

**Responses to Comments on the Draft EIS**

**Organizations and Companies**

OC1 - Maryland Waterfowls Association, Ronnie Adams, Legislative Liason

20080522-5063 FERC PDF (Unofficial) 5/22/2008 2:55:34 PM

Ronnie Adams  
Legislative Liaison  
Maryland Waterfowlers Association  
20 Rigdon Road  
Aberdeen, Maryland 21001  
May 22, 2008

Ms. Kimberly Bose Secretary  
Federal Energy Regulation Commission  
888 1st Street NE  
Washington, D.C. 20246

RE: Protest AES Sparrows Point LNG Docket Nos. CP07-62, et al.

Dear Ms. Bose:

Greetings Secretary Bose. As I am sure you are already aware, on or about January 8, 2007 the AES Corporation has proposed and seeks approval from your commission to build a Liquid Natural Receiving Terminal and its associated facilities upon the Sparrows Point Peninsula. If approved this facility would have multiple implications and ramifications to the surround area. In light of the recent preliminary approval granted by FERC in this matter the Maryland Waterfowlers Association makes protest in this application process.

The Maryland Waterfowlers Association is a listed intervener and a stakeholder in regards to this facility's application for construction and approval process. It is an intrinsic element of our organization's credo and mission statement to be guardians and stewards of such environments as the one AES proposes to build within.

Initially we made our concerns about the proposed LNG terminal at Sparrows Point known in this ongoing process. And while we share many of the same concerns as many others involved in this docket such as safety, environmental, economic, social and cultural issues, we are especially distressed about the many issues that surround the area's migratory waterfowl and its related activities in relation to this proposed facility.

We brought up these issues at the nascent of this proposal and there was very little accentuate response to them. There was a cursory mention of these issues in response from AES in an initial report and since that time the matter has been largely abandoned by AES and it has failed to adequately address them. Again in the most recent Environmental Impact Report dated April 2008 this subject matter was addressed sketchy at best. We find this alarming and therefore cannot sit idly by without raising these concerns once again. We will address these very issues in more depth later within this document. Perhaps some historical background is appropriate to fully appreciate our organization's concerns.

OC1-1

OC1-1

Thank you for the additional information. See revised text in sections 4.6.1 and 4.8.4.2, with regard to the potential for impacts on these resources.

OC1 - Maryland Waterfowls Association, Ronnie Adams, Legislative Liason

<p>20080522-5063 FERC PDF (Unofficial) 5/22/2008 2:55:34 PM</p> <p>↑ Waterfowling in the United States is a popular activity with over 43,000 individuals participating in the state of Maryland alone. This activity has enormous economic and social implications in this State.</p> <p>The present area in question is not only rich in waterfowling culture, but also history. As far back as 1807 waterfowl hunting is chronicled at this very location. Well before the current Steel Mill's existence a Doctor James Stewart owned the Sparrows Point Peninsula and operated a farm and orchard at this locale. He is infamous not only for his prominence in the development of the Maryland State dog, the Chesapeake Bay Retriever, but also was an avid waterfowler and operated a waterfowling enterprise at this location. This area is still one of the Baltimore's most popular destinations for this time honored activity. The intrinsic nature of the proposed LNG facility may extinguish this activity along with over 200 years of history and heritage permanently.</p> <p>This area is also critical waterfowl habitat. It is has been designated as a Historical Waterfowl Concentration and Staging Area by the Maryland Department of Natural Resources and as such is afforded certain protections under the Critical Area Law regulations (The Critical Area Law has identified classes of natural resources that should be protected from over-development along the Bay Shore. Waterfowl concentration and staging areas were included as natural resources that should be protected from development of water-dependent facilities (i.e., docks, piers, bulkheads, marinas, etc...) primary structures this facility proposes. Many species of waterfowl, but especially geese, swans and diving ducks are highly traditional in their use of wintering and staging areas (i.e., they tend to return year after year to the same areas). Disrupting these traditional patterns can severely affect these species. The purpose of this layer is to provide a means of screening permit applications for water-dependent facilities to ensure that they do not have adverse impacts on wintering and staging areas).</p> <p>In all likelihood waterfowl have congregated in this area during their annual migrations for thousands of years if not longer. Empirical and historical data demonstrates this area is used by but not limited to the following species of waterfowl:</p> <p>Mallard (<i>Anas platyrhynchos</i>), Gadwal (<i>Anas strepera</i>), American Widgeon (<i>Anas americana</i>), Greater Scaup (<i>Aythya marila</i>), Lesser Scaup (<i>Aythya affinis</i>), Ruddy Duck (<i>Oxyura jamaicensis</i>), Bufflehead (<i>Bucephala albeola</i>), Canvasback (<i>Aythya valisineria</i>), Goldeneye (<i>Bucephala clangula</i>), Common Merganser (<i>Mergus merganser</i>), Red-Breasted Merganser (<i>Mergus serrator</i>), Hooded Merganser (<i>Lophodytes cucullatus</i>), Redhead (<i>Aythya americana</i>) and Canada Geese (<i>Branta canadensis</i>).</p> <p>The current most significant of this area's species are the Lesser and Greater Scaup varieties. There are substantial numbers of these ducks annually using this area and according to the U.S. Fish and Wildlife Service along with other conservation organizations they currently are at worldwide population record lows and are steadily diminishing. This facility may be instrumental in driving these rapidly deteriorating species in further population decline or even contributing to their extinction.</p> <p style="text-align: center;">2</p>	<p>OC1-2      Wintering waterfowl are discussed in section 4.6.1, <i>Waterway for LNG Marine Traffic</i>. Protection of Historic Waterfowl Concentration Areas under the Critical Area Act is discussed in section 4.8.2.2.</p> <p>OC1-3      These species have been added to section 4.6.1 of the FEIS.</p>
--	---

OC1 - Maryland Waterfowls Association, Ronnie Adams, Legislative Liason

<p>20080522-5063 FERC PDF (Unofficial) 5/22/2008 2:55:34 PM</p> <p>Under the most recent environmental impact statement AES states they have addressed the issues of waterfowl and hunting in this area and we have found their information to be incomplete, misleading and defective. We therefore take exception to their conclusions concerning this subject matter. Some of the issues we have found to be distressing are are herein illustrated. In the recent Environmental Impact Report draft (EIS) of April 2008 in section 4.8.5 on page 4-150 it states:</p> <p><i>"The Sparrows Point LNG terminal and Mid-Atlantic Express Pipeline projects would not affect any...waterfowl production areas."</i></p> <p>The Maryland Waterfowls Association takes exception with this statement as inaccurate, misleading and flawed. Again in section 4.8.5.2 on pages 4-165-4-166 AES further states the following:</p> <p><i>" Waterfowl Hunting: Local hunting groups, including the Maryland Waterfowls Association, have expressed concern that the construction and operation of the LNG terminal would interfere with waterfowl hunting recreation areas and waterfowl concentration and staging areas. Two waterbird colonies have been identified by MDNR in the vicinity of the proposed LNG terminal site. However, each colony is located approximately 1.5 miles from the site. Therefore, no impact to these colonies or hunting of these waterbirds is anticipated from construction and operation of the LNG terminal. AES would coordinate its construction activities with the MDNR's Wildlife &amp; Heritage Service to protect historical waterfowl concentration areas and to implement control measures to protect waterbirds. See section 4.6.1 for a further discussion of potential waterfowl impacts associated with construction and operation of the Project. A search of information on local hunting, including the MDNR Public Hunting Lands website, has not indicated any waterfowl hunting areas in the immediate vicinity of the LNG terminal site on Sparrows Point or the proposed berthing area.</i></p> <p><i>Professional hunting guides that service recreational waterfowl hunters utilize watercraft to provide hunting access for their clientele. Potential restrictions to hunting waterfowl from watercraft associated with construction and operation of the LNG terminal, including LNG ship traffic and marine dredge area, would be the same as those for recreational boating and fishing, as discussed above."</i></p> <p>It is obvious to us that AES has performed inadequate, incomplete and flawed research into these subjects. While we do not challenge their conclusion of the two said "waterbird" colonies existence, we do challenge their other conclusions in these matters and find some of it to even be delusory.</p> <p>For instance the species of "waterbird" colonies they speak of are far enough away as to be buffered by their operation and talk about the facility's operation not interfering with the hunting of such, but they are in fact not lawfully hunted waterfowl species and therefore are not relevant in that matter, while at the same time they have ignored the many other species that are lawfully hunted in the area to give the impression they have adequately addressed this issue when they have not. Either AES is being deceptive or are</p>	<p>OC1-4                      Section 4.8.4.2 has been revised to address the new information you have provided.</p> <p>OC1-5                      Please see response to comment OC1-1.</p>
--	--

OC1 - Maryland Waterfowls Association, Ronnie Adams, Legislative Liason

<p>20080522-5063 FERC PDF (Unofficial) 5/22/2008 2:55:34 PM</p> <p>totally ignorant on these issues and have therefore completely approached them irresponsibly and recklessly.</p> <p>They also speak of coordinating <i>“to protect historical waterfowl concentration areas and to implement control measures to protect waterbird.”</i> and then point to section 4.6.1 for further discussion of impacts.</p> <p>Section 4.6.1 totally ignores waterfowl they will be impacting upon the most. The very nature of these ducks, mostly diving ducks who bottom feed, will be negatively affected by there dredging and construction which will destroy and interrupt their food source. In the case of this dredging it will have a long lasting and permanent detrimental impact upon them as it is centered in the very location they feed, concentrate and stage.</p> <p>AES goes on to claim <i>“A search of information on local hunting, including the MDNR Public Hunting Lands website, has not indicated any waterfowl hunting areas in the immediate vicinity of the LNG terminal site on Sparrows Point or the proposed berthing area.</i></p> <p><i>Professional hunting guides that service recreational waterfowl hunters utilize watercraft to provide hunting access for their clientele. Potential restrictions to hunting waterfowl from watercraft associated with construction and operation of the LNG terminal, including LNG ship traffic and marine dredge area, would be the same as those for recreational boating and fishing, as discussed above.”</i></p> <p>Again we take exception to this shoddy, false and misleading conclusion. This very area is used by hundreds if not thousands of waterfowl hunters each and every season. A look at the immediate area on the Maryland DNR’s Blind Site Permit Maps will demonstrate that this area is heavily utilized by waterfowl hunters throughout the designated season. This facility upon completion will in effect extinguish over 200 years of this area’s culture and heritage and permanently disenfranchise the citizens of Maryland their waterfowl hunting rights and opportunities without consideration, compensation or remedy.</p> <p>We hesitate to agree with AES on the issue of marine traffic as we do not possess enough credible information to make an informed and accurate opinion on this issue. We do however know that this facility will impose a hardship on marine traffic, including waterfowl hunters, as it will become necessary to widely circumvent the entire area.</p> <p>The construction, dredging, operation and ship traffic proposed by AES would undoubtedly have long lasting and perhaps permanent detrimental affects upon all of these issues and as of this date have been vastly ignored despite protections afforded by Federal law and various Court rulings. Therefore we would like to bring these issues to the forefront for immediate attention and redress.</p> <p>In particular we would like AES to address how they will compensate and/or replace the loss of the many waterfowling opportunities that have been enjoyed in this area for centuries; how they will protect and not harm the fragile habitat and natural processes</p>	<p>OC1-6      Please see response to comments OC1-1 and IN25-1.</p> <p>OC1-7      Thank you for the additional information. We have corrected this error. See section 4.8.4.2 for a discussion of impacts to waterfowl hunting.</p> <p>OC1-8      Section 4.6.1 addresses potential impacts to waterfowl. Section 4.8.4.2 addresses impacts to waterfowl hunting. Section 4.9.4.2 addresses potential socioeconomic impacts due to loss of hunting opportunities.</p> <p>OC1-9      Section 4.8.4.1 discusses potential impacts on general recreation, specifically anticipated impacts on boating.</p>
---	---

OC1-10

currently enjoyed by the many waterfowl species in the said Concentration and Staging Area of which their proposed facility would be situated within the borders of and any and other such remedy as the nature of this serious cause may demonstrate necessary.

Ms. Secretary we trust you will take the appropriate action so that these many important issues are finally brought successfully into the light and addressed with the relevance and attention they require. The notion that AES Corp. stands to generate billions of dollars of revenue by steamrolling through this process at the expense and detriment of Maryland's citizens and various fragile natural resources without any compensation or remedy in not only inequitable it is reprehensible and the Maryland Waterfowlers Association respectfully submits to the Federal Energy Regulatory Commission these matters for resolve.

Sincerely,  
Ronnie Adams  
Maryland Waterfowlers Association

**CERTIFICATE OF SERVICE**

In accordance with Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2006), I hereby certify that I have this day, May 22, 2008, served this document upon each person designated on the official service lists compiled by the Secretary in these proceedings at the time of its filing.

Ronnie Adams  
Legislative Liaison  
Maryland Waterfowlers Association

OC1-10

See recommendation for further correspondence with MDNR to develop a plan to minimize impacts to waterfowl concentration areas in section 4.6.1.2.

OC2 - African American Environmentalist Association, Norris McDonald, Founder and President

<p>20080612-5046 FERC PDF (Unofficial) 6/12/2008 2:48:56 PM</p> <p>Comment of Norris McDonald in Docket(s)/Project(s) CP07-62-000 Submission Date: 6/12/2008</p> <p>My name is Norris McDonald and I am the founder and president of the African American Environmentalist Association (AAEA). This written statement is being submitted to the Federal Energy Regulatory Commission (FERC) to provide our views on environmental issues related to the Sparrows Point Project (SPP), a proposed liquefied natural gas (LNG) import facility and gas pipeline. The African American Environmentalist Association supports LNG terminals because of the need for additional natural gas for electricity generation. However, we will withhold a position on this project until the relevant issues are included in a final environmental impact statement (FEIS) and community concerns have been properly addressed.</p> <p>AAEA was founded in 1985 and is a national, nonprofit organization dedicated to protecting the environment, promoting the efficient use of natural resources, enhancing human, animal and plant ecologies and increasing African American participation in the environmental movement. AAEA's national headquarters is in the Washington, DC Metropolitan Area. We have chapters nationwide and members worldwide.</p> <p>The Sparrows Point Project will consist of an onshore LNG import and storage terminal and an 87-mile natural gas pipeline. Our comments today will address Turner Station.</p> <p>Environmental Justice</p> <p>The Draft Environmental Impact Statement (DEIS) being used for this public meeting is woefully inadequate in addressing the environmental justice issues related to the LNG proposal. FERC failed to assess potential impacts on the...human environment that would result from the implementation of the proposed actions. The DEIS identified potential environmental justice impacts but did not assess the impacts. The DEIS states that, AAEA addressed these concerns through the identification of environmental justice areas in the vicinity of the proposed Project. There is nothing in the DEIS showing that AES assessed environmental justice issues. The outreach by AES via open house meetings, project updates, tours and learning opportunities does not seem to have led to an adequate assessment. We are deeply concerned that the environmental justice issues were not assessed in the DEIS and they should be thoroughly assessed and included in the Draft Environmental Impact Statement and Final Environmental Impact Statement (FEIS).</p> <p>There are numerous environmental justice issues that need to be assessed:</p> <ol style="list-style-type: none"> <li>1) An additional source of air pollution in the local area.</li> <li>2) An additional source of water pollution in the local area.</li> <li>3) Relocation and/or compensation for Turner Station residents.</li> <li>4) Minority business opportunities related to the proposed project.</li> <li>5) Arrangements to assist with any increases in insurance premiums.</li> <li>6) Arrangements for community amenities</li> <li>7) Examining partnership agreements with area businesses to expand community mitigation and/or relocation.</li> </ol> <p>We appeal to their sense of corporate responsibility to assist a community in need. We hope FERC will expand the scope of the environmental justice assessment and consider recommending the adoption of the mitigation measures that we have recommended.</p> <p>The fate of the pipeline proposal is a different matter from the facility. There are numerous state obstacles that can negatively affect the approval of the pipeline. Although, according to the DEIS, the proposed pipeline would not result in disproportionately adverse human impacts or environmental effects on minority or low-income communities, disrespecting and disregarding the appeals of the residents of Turner Station could lead residents and others to pursue obstruction by working to block the</p>	<p>OC2-1 Section 4.9.7 identifies environmental justice communities and analyzes impacts related to the LNG Terminal, waterway for LNG marine traffic, and pipeline.</p> <p>OC2-2 While the proposed terminal and optional power plant would be additional sources of air pollution in the local area, ambient impacts resulting from the operation of these sources have been evaluated in section 4.11.1. Under General Conformity, the Project would offset emissions and would not have significant impacts. In addition, the Project would be required to obtain state construction and operating permits, under which, the results of the ambient impacts analysis would comply with state and federal ambient air quality standards.</p> <p>OC2-3 The Project would be constructed and operated in compliance with all applicable federal, state and local water regulations.</p> <p>OC2-4 Construction or operation of the proposed facilities would not necessitate the relocation of any residents. Section 4.9.7 addresses Environmental Justice issues.</p> <p>OC2-5 Comment noted. Section 4.9.7 addresses Environmental Justice issues.</p> <p>OC2-6 We believe insurance rates would not be affected.</p> <p>OC2-7 Negotiating for additional amenities can be developed between the community and applicant.</p> <p>OC2-8 Please see response to comment OC2-5.</p>
---	---

OC2-1

OC2-2

through

OC2-8

OC2-9

OC2 - African American Environmentalist Association, Norris McDonald, Founder and President

<p>20080612-5046 FERC PDF (Unofficial) 6/12/2008 2:48:56 PM</p>	<p>OC2-9      Please see response to comment OC2-1.</p>
<p>OC2-10        pipeline. The LNG facility will be crippled if the pipeline is not constructed.</p>	<p>OC2-10      Comment noted.</p>
<p>OC2-11        Turner's Station has a perfect storm of pollution sources surrounding it. There is a landfill to the north, power plant to the south, steel plant (and proposed LNG facility) to the east, and high power lines and chromium pollution to the west. We believe that humans should not live in such a polluted industrial zone. However, some residents are loyal to that geographical location.</p>	<p>OC2-11      Cumulative impacts are discussed in section 4.13 of the FEIS.</p>
<p>OC2-12        We are also very concerned that certain representations were made by AES that have been rescinded by the company. Our contacts with community representatives indicate that the company has completely backed out of offers of assistance to Turner Station. We hope that AES, possibly in partnership with other area companies, will provide a written agreement to provide the items we recommend below.</p>	<p>OC2-12      Please see response to comment OC2-7.</p>
<p>OC2-13                           AAEA made the recommendation below at the 2006 public meeting and we stand by those recommendations today:</p>	<p>OC2-13      Please see response to comment OC2-7.</p>
<p>OC2-14        1.                AES should purchase the homes or pay homeowners and businesses near the exclusion zone a reasonable fee. Another alternative would be building a relocation community.</p>	<p>OC2-14      Please see response to comment OC2-7.</p>
<p>OC2-15        2.                AES should pay for any increase in homeowners and business owners' insurance premiums near the facility for those choosing the fee.</p>	<p>OC2-15      Please see response to comment OC2-7.</p>
<p>OC2-16        3.                AES should provide 51 percent minority ownership in the Mid-Atlantic Express, LLC, the proposed owner of the 87-mile pipeline. Mid-Atlantic Express, LLC is a regulated project company formed by The AES Corporation to own and operate the Mid-Atlantic Express Pipeline.</p>	<p>OC2-16      Please see response to comment OC2-7.</p>
<p>OC2-17        4.                If the community is not relocated, then AES should build a state-of-the-art recreation and computer facility similar to the Fed Ex Field facility in Landover, Maryland.</p>	<p>OC2-17      Please see response to comment OC2-7.</p>
<p>OC2-17        5.                AES should provide college scholarships to students. We strongly suggest that such a path is good business and could go far in preventing delays, uncertainty and litigation for this project. AES could show environmental justice leadership by partnering with the other local facilities to negotiate an appropriate mitigation settlement to this a vulnerable community.</p>	<p>OC2-17      Please see response to comment OC2-7.</p>

20080612-5069 FERC PDF (Unofficial) 6/12/2008 2:31:31 PM

**African American Environmentalist Association**

Statement of

**Norris McDonald**

President

African American Environmentalist Association

On The

**AES SPARROWS POINT LNG, LLC**

**Mid-Atlantic Express, L.L.C.**

Proposal For A

Liquefied Natural Gas Import Terminal

And

Natural Gas Pipeline Facility

Submitted To The

**Federal Energy Regulatory Commission**

Cooperating Agencies:

U.S. Army Corp of Engineers

U.S. Coast Guard

U.S. Environmental Protection Agency

**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Issued: April 2008

Docket Nos. CPO7-62-000, CPO7-63-000, CPO7-64-000, CPO7-65-000  
U.S. Army Corps of Engineers (COE) No. CENAB-OP-RMN (2007-01644-M16)

Patapsco High School Auditorium

Baltimore, Maryland

Monday, June 9, 2008

---

9903 Calton Lane, Ft. Washington, MD 20744  
(301) 265-8185 www.aaenvironment.com

AAEA Comments on Sparrows Point LNG Project

**Introduction**

My name is Norris McDonald and I am the founder and president of the African American Environmentalist Association (AAEA). This written statement is being submitted to the Federal Energy Regulatory Commission (FERC) to provide our views on environmental issues related to the Sparrows Point Project (SPP), a proposed liquefied natural gas (LNG) import facility and gas pipeline. The African American Environmentalist Association supports LNG terminals because of the need for additional natural gas for electricity generation. However, we will withhold a position on this project until the relevant issues are included in a final environmental impact statement (FEIS) and community concerns have been properly addressed.

AAEA was founded in 1985 and is a national, nonprofit organization dedicated to protecting the environment, promoting the efficient use of natural resources, enhancing human, animal and plant ecologies and increasing African American participation in the environmental movement. AAEA's national headquarters is in the Washington, DC Metropolitan Area. We have chapters nationwide and members worldwide.

The Sparrows Point Project will consist of an onshore LNG import and storage terminal and an 87-mile natural gas pipeline. Our comments today will address Turner Station.

Environmental Justice

The Draft Environmental Impact Statement (DEIS) being used for this public meeting is woefully inadequate in addressing the environmental justice issues related to the LNG proposal. FERC failed to, "...assess potential impacts on the...human environment that would result from the implementation of the proposed actions." The DEIS identified potential environmental justice impacts but did not assess the impacts. The DEIS states that, "AES addressed these concerns through the identification of environmental justice areas in the vicinity of the proposed Project." There is nothing in the DEIS showing that AES assessed environment justice issues. The outreach by AES via open house meetings, project updates, tours and learning opportunities does not seem to have led to an adequate assessment. We are deeply concerned that the environmental justice issues were not assessed in the DEIS and they should be thoroughly assessed and included in the Draft Environmental Impact Statement and Final Environmental Impact Statement (FEIS).

There are numerous environmental justice issues that need to be assessed:

- 1) An additional source of air pollution in the local area.
- 2) An additional source of water pollution in the local area.
- 3) Relocation and/or compensation for Turner Station residents.
- 4) Minority business opportunities related to the proposed project.
- 5) Arrangements to assist with any increases in insurance premiums.
- 6) Arrangements for community amenities
- 7) Examining partnership agreements with area businesses to expand community mitigation and/or relocation.

OC3-1

OC3-1

Please see response to comments OC2-1 through OC2-8.

OC3 - African American Environmentalist Association, Norris McDonald, President

<p>20080612-5069 FERC PDF (Unofficial) 6/12/2008 2:31:31 PM</p> <p>AAEA Comments on Sparrows Point LNG Project</p> <p>OC3-2</p> <p>Again, simply identifying the community and their status as a minority neighborhood and their income status is not sufficient to assess the potential impacts. Moreover, potential impacts of the SPP should be considered within the context of the additional pollution the projects represents. To do this, the other pollution sources in the vicinity need to be identified and then a cumulative assessment needs to be conducted. The basic point being that the SPP alone might not represent a significant pollution threat, but its addition to other sites currently impacting this community might then represent a threat. Typically in environmental justice, it is not just one facility that poses a threat, but a number of facilities in combination that represent the threat. This is our assessment and is the basis for requesting mitigation and/or relocation assistance.</p> <p>Our assessment would appear to counter the DEIS contention that:</p> <p>“The proposed development at the terminal site is compatible and consistent with existing use and long-range plans identified for the area... Similarly, construction and operation of the terminal facility would have no negative impacts on the community redevelopment and revitalization concepts included in the <i>Turner Station Community Conservation Plan</i>.”</p> <p>OC3-3</p> <p>The <i>Turner Station Community Conservation Plan</i> did not include a comprehensive environmental justice assessment. Neither did the <i>Dundalk, A Second Century Vision</i> document. Although the DEIS states, “increased employment associated with the construction and operation of the terminal would benefit the communities economically,” this in no way ameliorates the cumulative impacts of pollution affecting the residents of Turner Station.</p> <p>AES can litigate its way to approval of this project. There are no laws that can stop the project. AES recently won a court fight that will help in getting approval for the project.</p> <p>On May 19th, the U.S. Court of Appeals for the Fourth Circuit reversed a decision of the U.S. District Court for the District of Maryland, and held that a Baltimore County Council zoning amendment prohibiting the siting of liquefied natural gas (LNG) facilities in previously designated Chesapeake Bay Critical Areas in Baltimore County was preempted by the Natural Gas Act (NGA). In 2005, Congress amended the Natural Gas Act (NGA) to clarify the authority of the Federal Energy Regulatory Commission (FERC) over LNG terminal siting. Section 311(a)(1) of the Energy Policy Act 2005 (EPA 2005) granted FERC the “exclusive authority” to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal. Section 311(d), however, provides that nothing in the NGA affects “the rights of States” under the CZMA, the Clean Air Act, and the Federal Water Pollution Control Act. (Van Ness Feldman Law Firm)</p> <p>Statement at Patapsco High School, June 9, 2008</p> <p>3</p>	<p>OC3-2</p> <p>The ambient impact analysis in section 4.11.1.4 adds pollutant specific monitored background concentrations (which include other existing pollution sources) to the predicted impacts of the Sparrows Point Project, accounting for pollution from existing sources in the area. In addition, section 4.13.11 contains a cumulative impact analysis of the Sparrows Point Project and a proposed Ethanol Plant that would not currently be accounted for in current monitored background concentrations. The results of this analysis also show that the Project would comply with state and federal ambient air quality standards. MDE would also require a similar compliance analysis as part of the air permitting requirements for the Project.</p> <p>OC3-3</p> <p>See revised section 4.9.7 for an updated discussion on environmental justice. Cumulative Impacts are discussed in section 4.13 of the FEIS.</p>
--	--

OC3 - African American Environmentalist Association, Norris McDonald, President

20080612-5069 FERC PDF (Unofficial) 6/12/2008 2:31:31 PM

AAEA Comments on Sparrows Point LNG Project

OC3-4

We appeal to their sense of corporate responsibility to assist a community in need. We hope FERC will expand the scope of the environmental justice assessment and consider recommending the adoption of the mitigation measures that we have recommended.

The fate of the pipeline proposal is a different matter from the facility. There are numerous state obstacles that can negatively affect the approval of the pipeline. Although, according to the DEIS, "the proposed pipeline would not result in disproportionately adverse human impacts or environmental effects on minority or low-income communities," disrespecting and disregarding the appeals of the residents of Turner Station could lead residents and others to pursue obstruction by working to block the pipeline. The LNG facility will be crippled if the pipeline is not constructed.

Turner's Station has a perfect storm of pollution sources surrounding it. There is a landfill to the north, power plant to the south, steel plant (and proposed LNG facility) to the east, and high power lines and chromium pollution to the west. We believe that humans should not live in such a polluted industrial zone. However, some residents are loyal to that geographical location.

We are also very concerned that certain representations were made by AES that have been rescinded by the company. Our contacts with community representatives indicate that the company has completely backed out of offers of assistance to Turner Station. We hope that AES, possibly in partnership with other area companies, will provide a written agreement to provide the items we recommend below.

AAEA made the recommendation below at the 2006 public meeting and we stand by those recommendations today:

1. AES should purchase the homes or pay homeowners and businesses near the exclusion zone a reasonable fee. Another alternative would be building a relocation community.
2. AES should pay for any increase in homeowners and business owners' insurance premiums near the facility for those choosing the fee.
3. AES should provide 51 percent minority ownership in the Mid-Atlantic Express, LLC, the proposed owner of the 87-mile pipeline. Mid-Atlantic Express, LLC is a regulated project company formed by The AES Corporation to own and operate the Mid-Atlantic Express Pipeline.
4. If the community is not relocated, then AES should build a state-of-the-art recreation and computer facility similar to the Fed Ex Field facility in Landover, Maryland.
5. AES should provide college scholarships to students.

We strongly suggest that such a path is good business and could go far in preventing delays, uncertainty and litigation for this project. AES could show environmental justice leadership by partnering with the other local facilities to negotiate an appropriate mitigation settlement to this a vulnerable community.

Statement at Patapsco High School, June 9, 2008

4

OC3-4

Please see response to comments OC2-9 through OC2-18.





OC4 - Chesapeake Bay Yacht Clubs Association, Dr. Kay Brawley, CBYCA Director, MD State Legislation and Coles Marsh, CBYCA Commodore

20080616-5018 FERC PDF (Unofficial) 6/16/2008 10:10:27 AM

**IMPACT OF LNG TERMINALS ON THE BOATING COMMUNITY  
A Position Paper Against LNG Terminals**



Coles Marsh, Commodore CBYCA [Commodore@CBYCA.ORG](mailto:Commodore@CBYCA.ORG)  
 Dr. Kay Brawley, CBYCA Maryland Legislative Director [kbrawley@mindspring.com](mailto:kbrawley@mindspring.com)  
 Chesapeake Bay Yacht Clubs Association [WWW.CBYCA.ORG](http://WWW.CBYCA.ORG)

The Chesapeake Bay Yacht Clubs Association (CBYCA) has represented boating interest in five states from Trenton, NJ to Norfolk, VA for almost 50 years. During these years we have successfully represented the concerns of the recreational boating society of about 65,000 citizens.

The CBYCA supports actions to:

- Minimize the environmental impact of dredging recognizing such actions rarely are without cost
- Opposed to restrictions on speed, wake, bridge openings, boating activities, etc. which are not based on consideration of the needs and interests of all affected parties
- For protection of the rights and interests of recreational boaters in the course of commercial interactions
- *In that the development of an LNG facility on an active waterway will require extensive dredging, impacting the environment and will have adverse effects on land side access and in that the operation of such facilities will adversely affect the societal rights, interest and operation of recreational vessels in normally traveled waters and further that the interest of all affected parties are impacted negatively: The CBYCA therefore is opposed to the installation of any LNG facility in a metropolitan area or within the normal maritime transited channels of the indigenous maritime community. We strongly suggest that these operations be moved to offshore locations following the lead of California or to remote non-strategic locations, where neither land nor maritime community is affected.*

With the LNG industry moving at breakneck speed and FERC pushing to find off load terminals, it is important to establish reasonable impact study and obvious exclusions of proposed locations when impairment issues of safety, environment and community societal disruptions are evidenced.

It is also useful to discover how the industry approaches these obstacles in other locations and adopt these practical alternatives to local issues.

1. On the first issue of safety, many regulatory agencies have studied the transport of the LNG in vessels sighting safety records but the actual safety of the LNG transfer and processes on land is a greater issue. The transfer of LNG is very intense and incorporates many pressure changes, valve operations and refrigerant processes one of which causes the greatest problem – propane. In cases where ignition has occurred, the attributed cause has been individual oversight or failure of equipment. In all instances, the outcome was massive reduction of the facility. For this reason, LNG terminal should not be in populated areas. NFPA requires the calculation of fire radiation based on the assumption of zero wind speed. With wind factors, a vapor cloud may travel great distances before finding an acceptable ignition source. Once ignition is found, the burn flame will continue to the source of vapor point with catastrophic results. California has delayed on-shore projects, by the need to respond to about 6,000 public comments and is now entertaining a move to off-shore locations where the citizenry will not be affected, such as in the Cabrillo Port, involving an offshore terminal.

2. Environmental issues normally involve the primary construction impacts of dredging and marine life. Whenever materials covering the waters bottom ground are disrupted, many of the chemicals

OC4-5

OC4-5

Please see response to comment OC4-3. Off-shore alternatives have been specifically addressed in section 3.2.4.

OC4-6

OC4-6

The proposed design would comply with the federal siting standards under 49 CFR 193, including requirements for calculating radiant heat and flammable vapor dispersion.

OC4-7

OC4-7

Please see response to comments IN25-1 and SE1-14.

OC4 - Chesapeake Bay Yacht Clubs Association, Dr. Kay Brawley, CBYCA Director, MD State Legislation and Coles Marsh, CBYCA Commodore

	<p>20080616-5018 FERC PDF (Unofficial) 6/16/2008 10:10:27 AM</p> <p>and persistent toxic ingredients are re-floated and carried elsewhere by the currents impacting marine life and contaminating aquatic recreation. In addition, dredge material must be relocated to a safe area where runoff will not reenter the water table or otherwise affect marine life. States still have the ability to effectively "veto" an LNG facility by denying permits associated with the Clean Water Act, the Coastal Zone Management Act, and the Clean Air Act. An LNG project proponent must certify that the proposed activity in a designated coastal zone complies with the enforceable policies of the affected state's coastal zone management program.</p> <p>Section 401 - A certification of compliance with the state's water quality standards is required from the responsible state agency for any activity (including construction and operation of LNG import facilities) that may result in a discharge into navigable waters. If the 401 certification is denied, the LNG facility cannot be constructed.</p> <p>Section 404 - A permit is required from the U.S. Army Corps of Engineers for discharge of dredged material. The Corps permit requires applicants to obtain a section 401 certification, which can be blocked as stated above</p> <p>A secondary environmental issue is the air quality as it is affected by the burn off of toxic components, vapor dispersion and jet dispersions into ambient air with the LNG transfer process.</p> <p>Section 502 - A permit is required for any person to operate a source of air pollution, as detailed in the Act. If the responsible state agency does not issue the permit, the project cannot go forward</p> <p>Agencies in various states, which control these environmental issues are:          NJ- DEP Commissioner - Appointed (Air, Water &amp; CZMA)          PA - DEP Commissioner - Appointed (Air, Water &amp; CZMA)          MD- D of E Secretary - Appointed (Air &amp; Water)          MD - DNR Secretary - Appointed (CZMA)          DE - DNR &amp; EC Secretary - Appointed (Air, Water &amp; CZMA)          VA - DEQ Director - Appointed (Air, Water &amp; CZMA)</p> <p>The state also has the ability to be a cooperating agency with FERC during the review of a project under the National Environmental Policy Act (NEPA), and can contribute to the complete environmental review of the proposal.</p> <p>3. <b>The social and economic impacts</b> of LNG terminal development activities can be substantial. Recognizing and understanding that the potential of negative social impacts on normal activities will become increasingly complex as operations grow if located near vulnerable major populations and communities.</p> <p>Where LNG facilities are located in populated areas, negative impacts on the safety, security of assets, land rights, population disruption, maritime cultural heritage, travel restrictions, economy, tourism of the surrounding communities, the loss of future development of traditional infrastructure or the interference with other users of infrastructure and natural resources all diminish. The changes to norms, values and beliefs that guide a society particularly, in a large metropolitan or indigenous community based on a maritime economy can not offset by a promise of sustained commercial success or the best assured promise of a healthy social environment or future social and economic development in the affected communities.</p> <p>Applications of social impact assessment will eliminate significant metropolitan projects if the above potential impacts on local communities and wider society are identified. We, the maritime community are the primary stakeholders on these issues.</p>	<p>OC4-8 Major permits, including those noted necessary for the Project are listed in table 1.3-1 of the FEIS.</p> <p>OC4-9 Operation of the Sparrows Point LNG terminal would require air quality permits from the Maryland Department of the Environment (MDE). Air quality requirements would limit any emissions from the LNG transfer process and the Project would be required to demonstrate compliance with the State of Maryland and federal air quality standards. MDE further protects the public by requiring sources to comply with their toxic air pollutant regulations. Table 1.3-1 contains a summary of major permits, approvals and consultations required for the Project. Additionally, section 4.11.1.4 evaluated all sources of air pollutants, including hazardous air pollutants.</p> <p>OC4-10 The opportunity for qualified parties to request/obtain cooperating status with regard to this FEIS has been provided in accordance with NEPA.</p> <p>OC4-11 Potential socioeconomic impacts are discussed in detail in section 4.9.</p> <p>OC4-12 Please see response to comment OC4-11.</p>
--	---	--

20080616-0058 FERC PDF (Unofficial) 06/13/2008

6-9-08

LNG OPPOSITION TEAM FINDINGS AND RECOMMENDATION FOR THE  
 FEDERAL ENERGY REGULATORY COMMISSION ( FERC ) - DRAFT  
 ENVIRONMENTAL IMPACT STATEMENT ( EIS ) - April 2008

Kimberly D. Bose, Secretary  
 Federal Energy Regulatory Commission  
 888 First Street, N.E., Room 1A  
 Washington, D.C. 20426

RE: Docket No. CP07-62-000; CP07-63-000; CP07-64-000; CP07-65-000  
 AES Sparrows Point LNG, LLC. / Mid Atlantic Express Pipeline, LLC. -  
 AES Formal Application for FERC Permit to Site, Construct, and Operate a Liquid Natural  
 Gas (LNG) Regasification Facility and Pipeline at Sparrows Point, Maryland throughput to  
 Eagle, Pennsylvania.

RECEIVED  
 SECRETARY OF THE  
 FEDERAL ENERGY  
 REGULATORY COMMISSION  
 JUN 13 11 34 AM '08

Honorable Secretary Bose; Honored FERC Commissioners,

The LNG Opposition Team is a collective of U.S. Citizens, Political Leaders, Community Groups, and Environmental Organizations covering Maryland, Virginia, and Pennsylvania; who are adamantly opposed to this AES Project. Comprehensive consideration has been given to all aspects of this proposed AES LNG Project and upon a full Review of this FERC Draft EIS we humbly and STRONGLY implore this honored FERC Commission to DENY this applicant; AES; the requested Permit referenced above.

Following is a chronological review of the FERC Draft EIS as presented in this Draft Document:

Executive Summary

- OC5-1 1. Page ES-2 : The cumulative impact to Public Health, Welfare, the Environment, the Quality of Life, and the Chesapeake Bay / Chesapeake Bay Watershed will in no way be " limited", "minimal", or "no" adverse environmental impact; in point of fact there would be far greater " impacts " resulting from this proposed AES Project, than from any other single project ever undertaken between Maryland and Pennsylvania.
- OC5-2 2. Page ES-2 : FERC Statements in this Draft EIS pursuant to "adverse environmental impacts" are very vague, overly generalized, and lack specificity in summarizing damages for Acute and Chronic Effects resulting from this AES Project.
- OC5-3 3. Page ES-3 : Adverse environmental impacts to Critical Areas, wetlands, woodlands, Historical and archaeological sites, and Private Properties cannot logically be determined minimal when specific comprehensive consideration is focused on the cumulative scope and the overall number of areas of environmental impact which will result from the implementation of this AES Project; if Permitted and allowed by FERC.
- OC5-4 4. Page ES- 3.4 : FERC,s Determination does not guarantee "minimal" environmental impacts; FERC merely assumes there would be no "significant" impacts based on AES's Data. Once again; there is a gross lack of specificity defining and clarifying the terms "minimal" and "significant" leading to a concern of "questionable credibility".

- OC5-1 Comment noted. We have revised our conclusions to disclose the impacts that would be considered significant. See revised text in "Executive Summary" and section 5.0.
- OC5-2 Please see response to comment OC5-1.
- OC5-3 Please see response to comment OC5-1.
- OC5-4 Please see response to comment OC5-1.

<p>20080616-0058 FERC PDF (Unofficial) 06/13/2008</p>	<p>OC5-5 Section 4.8.4.1 and 4.9.4.2 contain discussions on recreational and commercial boating and fishing.</p>										
<p>OC5-5 5. Page ES-4 : The impact to uses of the Maryland and Virginia Waterways will be permanent as long as LNG vessels transit the Chesapeake Bay and Tributaries. If Permitted and allowed this AES LNG Project will cause major disruption of standard maritime commerce; commercial, and recreational water uses. FERC , once again, seems to be giving AES power of authority reserved for Federal and State Agencies. AES is nothing more or less than a private industry and should be treated no differently than any other Business.</p>	<p>OC5-6 Exclusion zone calculations for the on-shore facility were performed by FERC staff in accordance with the procedures listed in 49 CFR 193. As stated in section 4.12.5.3, the Coast Guard used the criteria developed by Sandia National Laboratories to define the outer limits of the hazard zones for accessing potential risks associated with the Project.</p>										
<p>OC5-6 6. Page ES-5 : FERC references the Public Safety Distance from an LNG fire as one mile; this is an error. The Government Accountability Office (GAO) states in the Congressional Report : Maritime Security ( February 2007 ) that the "safe" distance has been redefined by the Sandia National Laboratory and five other Laboratories. The new rating is 2500 meters or 1.6 miles minimum safe distance; the previous rating was 1600 meters or 1 mile. The Report further states that depending on variables ( IE: wind, etc. ) the safe distance may increase to 2.25 miles. This drastically changes the FERC approved AES Data for Population Density Risk from a LNG fire. Surrounding the proposed LNG Terminal within a two mile radius; the following occupied structures are not considered or mentioned in the FERC Draft EIS or AES,s Reports:</p> <table border="0"> <tr> <td>Structure</td> <td>Distance from Terminal</td> </tr> <tr> <td>a. Maryland Transportation Authority Headquarters</td> <td>- 0.9 miles</td> </tr> <tr> <td>b. Severstahl Steel Corporation BOF</td> <td>- 1,342 feet</td> </tr> <tr> <td>c. Turners Station Residences</td> <td>- 1.2 miles</td> </tr> <tr> <td>d. Edgemere Residences at Jones Creek</td> <td>- 1.9 mile</td> </tr> </table> <p>Another concern is the FERC approved AES calculation of the Public Safety Distance. The PSD is measured from the center of the AES Terminal. This calculation should be formulated from AES,s outermost boundaries outward from the proposed Project; not from the center outward. Also, there is no consideration given for fire safety distances from the vessels; which further reduces the distance to the nearest occupied structure.</p>	Structure	Distance from Terminal	a. Maryland Transportation Authority Headquarters	- 0.9 miles	b. Severstahl Steel Corporation BOF	- 1,342 feet	c. Turners Station Residences	- 1.2 miles	d. Edgemere Residences at Jones Creek	- 1.9 mile	<p>OC5-7 The site-specific exclusion zone calculations discussed in section 4.12.4 are centered on the proposed spill impoundments and meet the criteria regarding site property lines as specified in 49 CFR 193.</p>
Structure	Distance from Terminal										
a. Maryland Transportation Authority Headquarters	- 0.9 miles										
b. Severstahl Steel Corporation BOF	- 1,342 feet										
c. Turners Station Residences	- 1.2 miles										
d. Edgemere Residences at Jones Creek	- 1.9 mile										
<p>OC5-7 OC5-8 7. Page ES-5 : Neither the U.S. Coast Guard nor the State of Maryland have the resources, manpower, or infrastructure to facilitate the proposed AES Project ( transit, terminal, and pipeline ). AES is a private industry not a U.S. Government Agency. Funding should be the sole responsibility of AES; not a shared liability saddled upon taxpayers assets.</p>	<p>OC5-8 Section 4.12.5.3 discusses the hazards associated with a spill from an LNG vessel which includes defining the zones of concern associated with a spill from an LNG carrier, the distance to these zones, the thermal flux levels of these zones, and what communities or areas are included in each zone.</p> <p>OC5-9 Comment noted.</p>										
<p>OC5-9 OC5-10 8. PAGE ES-5 : FERC,s statement regarding NFPA 59A (2001) of use or occupancy of land within 3,000 feet of the proposed AES Terminal should be immediate grounds for the denial of AES,s FERC Permit; due to the fact that the ECRON Ethanol Plant, which is already permitted on Sparrows Point Shipyard, lies less than 3,000 feet from proposed AES Project. ECRON is due to begin construction in January 2009.</p>	<p>OC5-10 Please see response to comment OC5-8.</p>										
<p>OC5-11 OC5-12 9. Page ES-5 : FERC is grossly underestimating the detrimental environmental impact of AES,s proposed Dredging and Re-use at the Sparrows Point Site. The credibility of AES,s studies are highly questionable; yet FERC insists on readily accepting AES,s results and has categorically ignored thirty years of Registered scientific studies and U.S., Government Agency Reports. In the end, FERC will be held just as accountable as AES should this Permit be allowed; both parties will be responsible for a full blown IMMINENT HAZARD. Specifically, to approve this activity would be a direct violation of the Clean Water Act (CWA), the Coastal Zone Management Act (CZMA), the Toxic Substances Control Act (TSCA), and the Environmental Protection Act (EPA).</p>	<p>OC5-11 Comment noted. NEPA requires that environmental impacts be assessed for projects considered major federal actions. If authorized, the Project would comply with the Clean Water Act as long as it receives favorable permits associated with Sections 404, 401, NDPEs storm water discharge, and NPDES for dredge material recycling facility. The Project is not affected by any section of the Toxic Substance Control Act.</p> <p>OC5-12 The EIS discusses the potential power plant as a nonjurisdictional facility, which means FERC is stating that the plant is not in FERC jurisdiction. But because of the potential of constructing the power plant in addition to the LNG terminal, we considered the power plant in developing the General Conformity Determination for consideration of air and emission impacts. The Maryland Public Service Commission is likely the authority in deciding whether or not to approve the power plant.</p>										

<p>20080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>OC5-13 10. Page ES-5 : The FERC approved Draft EIS for the AES Sparrows Point Project allows for the construction of several side projects; one is the Co-generation Power Plant; second is the Dredge Material Recycling Facility (DMRF). Neither of these projects have any bearing on the operation of a LNG Re-gasification Facility. FERC , once again, seems to be making Determinations which are outside the scope of FERC,s Authority under the Energy Policy Act (2005).</p> <p>OC5-14 11. Page ES-5 : This AES Project has been Determined by the Maryland Department of the Environment (MDE) and Pennsylvania Department of Environmental Protection (DEP) ;both are the lead Agencies for the CFRA ; to be non - consistent with our CZMP which is our Chesapeake Bay / Chesapeake Bay Watershed Program. In fact this Determination is pending Litigation before the U.S. Secretary of Commerce.</p> <p>OC5-15 12. Page ES-5 : FERC has supplied a 151 item List of Mitigation for this AES Project; while impressive; we do not see a completed Blueprint being submitted by AES. The basic complete AES Project Plan; which is required under the FERC Process; is not present in this FERC DEIS. All Phases of this AES Project are incomplete and open ended. The Basic AES Project Plan is required by FERC before any issuance of a Permit. The FERC suggested Mitigations are measures to lessen environmental impact problematic issues which may arise. These measures should not be used as a replacement of AES,s basic responsibilities. " Mitigation" is the term employed when an Applicant cannot meet Regulatory requirements. When employed in a Project; "mitigation" is a blatant trade-off for damages to the Public Health, Welfare, and the Environment. The Public, Political Leaders, and all of the Environmental Agencies (CFRA) have consulted, concurred, and concluded; that this AES LNG Project will not be in the Best Public Interest. Further, that the losses incurred will be far greater than any beneficial assets achieved. Only one Interested Party will benefit from this proposed Project; that Party is AES.</p> <p>OC5-16 13. Page ES-5 : Environmental impacts to the Chesapeake Bay Watershed; resulting from this AES Project; would greatly exceed the Regulatory intent and Limitations of the Coastal Zone Management Act, the Chesapeake Bay Program, and Critical Areas Laws, Regulations, and Guidelines. Further; this AES Project will severely impact an Estuary Ecosystem of National Significance; listed as one of the United States of America's "Forty National Treasures". This Region of the Chesapeake Bay is already Registered as a "severely impaired" Waterbody. Permitting and allowance of this AES LNG Project will acutely and chronically compound the degradation of this Environment; rather than minimize damage or improve environmental quality throughout Maryland, Virginia, and Pennsylvania.</p> <p>OC5-17</p> <p>OC5-18 14. Page ES- 5,6 : The Public has suggested to FERC and AES a Site Alternative for this proposed AES LNG Project. We suggested constructing this Project at a distance of 9 to 15 miles off the U.S. East Coast in the Atlantic Ocean; with one pipeline to shore. This siting would negate virtually all possible environmental impacts and Safety/ Security Issues. Neither FERC nor AES Has seriously considered this option. If this Site Alternative were adopted; we would endorse this AES LNG Project.</p>	<p>OC5-13 Please see response to comment OC5-12.</p> <p>OC5-14 The Project has received a CZM consistency determination with the action of the Secretary of Commerce ruling in June 2008.</p> <p>OC5-15 The Commission carefully weighs the environmental aspects of the proposal in front of them. The Commission staff evaluates the proposals, and recommends mitigation measures to avoid the impacts or further reduce the impacts to lessen the overall impacts. If the Commission approves the proposal, AES can accept the entire authorization, with conditions imposed, or reject it. AES would be responsible for complying with the terms of the FERC authorization, while FERC staff would be responsible for inspections and ensuring compliance with conditions during construction of the project.</p> <p>OC5-16 Please see response to comments OC5-11, OC5-14, and OC5-15.</p> <p>OC5-17 Please see response to comments OC5-11, OC5-14 and OC5-15.</p> <p>OC5-18 Offshore LNG terminal alternatives are discussed in section 3.2.4.</p>
--	--

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p>	
<p>OC5-19 15. Section 1 -Page 1 : The AES,s proposed Co-generation Power Plant is an Ignition Source located well within the Safety Exclusion Zone regulated under the National Fire Prevention Act. Inclusion and construction of this Project at that Site would be a direct violation of the Law.</p>	<p>OC5-19 AES would be required to install appropriate hazard detection and emergency shutdown systems should the optional co-generation power plant be constructed within the site boundary.</p>
<p>OC5-20 16. Section 1- Page 2 : Construction of this AES Project ( Transit, Terminal, and Pipeline) with its mitigation measures has been determined by the Public at Large to be unacceptable and not in the Best Interest of the Public. No mitigation offer AES could make could offset, restore, or repair the damage our environment would sustain. Once the damage is done, what existed prior to this proposed AES Project will be gone.</p>	<p>OC5-20 Comment noted. Please see response to comment OC5-15.</p>
<p>OC5-21 17. Section 1- Page 2 : There is an error in the FERC Draft EIS listed in Section 1.2 - Project Purpose and Need. No AES LNG Product will directly enter the Md.; Va.; Pa.; N.J.; Del.; D.C.; or W.Va. Systems. The AES gas product travels 88 miles through a solid welded 30 inch pipeline from Sparrows Point, Md. to Eagle, Pa. there are no spur lines or junctions except for the connection junctions at the Tri-continental Pipelines at Eagle, Pa. Insinuations of a roundabout supply do not supplant the true fact of no direct AES gas to the listed States referenced in this FERC DEIS. FERC should print only the whole truth not inferred misinformation.</p>	<p>OC5-21 The proposed pipeline does terminate in Eagle, Pennsylvania. However, if the Project is approved and constructed, future interconnections with other existing natural gas providers could provide gas to new customers in the Mid-Atlantic states, including Maryland, Virginia, New Jersey and Delaware.</p>
<p>OC5-22 18. Section 1- Page 6 : Deposition of contaminated dredge material into the open waters of the State of Maryland is banned and illegal under the U.S. Army Corps of Engineers (USACE) Dredge Material Management Program (DMMP) Regulations. Disturbance, removal, and proposed reuse of this EPA RCRA high priority toxic waste sediment ; containing Hazardous Toxic Radioactive Waste (HTRW)( reference: COE) and Non Aqueous Phase Liquid (NAPL) ( reference: EPA ); will cause severe acute and chronic irreparable environmental damage to the Chesapeake Bay and Chesapeake Bay Watershed. FERC approval and AES execution of this proposed Dredge Project will directly violate Federal, State, and Local Law; on many levels; listed in many Articles; Acts; Titles; Sections; Subsections; and Clauses. There is overwhelming historical and current Agency Study Data which reinforces the reason why this Sparrows Point Shipyard Site was only dredged once in 1988, under duress; then no further intensive dredging at this Site. All of the Government Agencies were aware of the level of toxicity at Sparrows Point; for it was these very same Agencies who imposed the dredging ban in 1988. In 2006; Barletta Willis, LLC. / Sparrows Point Shipyard, LLC. acquired an Army Corps Dredge Permit based on A Bulk Sediment Analysis which stated that no organic contaminants were found at the Sparrows Point Site. AES did report findings of 69 CERCLA Priority Pollutants; however the concentrations registered in their Report were in trace amounts. Strangely enough; thirty years of scientific studies and Registered Government Reports show high priority toxic contamination at levels of concentration magnitudes above Maximum Allowable Industrial Limits. There seems to be a contradiction in Findings. Would that any individuals were to intentionally conceal the true nature of this Site for the furtherance of private interests; this action may very well be considered false pretense or criminal intent.</p>	<p>OC5-22 All sediment sampling was conducted in accordance with USEPA/ MDNR regulations/guidance using a Maryland certified laboratory. Analytical results were compared to regulatory guidelines (e.g., NOAA SQuiRTs) and have been reviewed by USEPA/ACOE/MDNR.</p>

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>19. Section 2- Page 20 : AES,s description of their proposed DMRF wastewater treatment for both the Recycling and PDM effluent is simply an oil/water separation unit as the only Treatment for this waste effluent. FERC makes no comment to address this totally inadequate concept. AES identified 69 CERCLA Priority Pollutants; REALITY CHECK : what purpose will AES's water pollution control equipment serve and how effective will it be for the removal of the 69 toxic pollutants from the wastewater ? Answer: absolute zero effective. Further, AES proposes to release this "treated effluent" directly into the open waters of the State of Maryland at the Bear Creek / Patapsco River Convergence; directly adjacent to the AES Project Site at Sparrows Point. Next; AES proposes to also collect and "treat"; by undetermined and unspecified means; the construction site runoff and release this Hazardous Waste into the Baltimore County Sewer System Publicly Owned Treatment Works (POTW). Before FERC considers granting AES,s Permit, we believe and recommend that FERC should consider an intensive review of the Federal, State, and Local Environmental Statutes, Laws, and Regulations pursuant to the Jurisdictions which this AES Project will affectively impact. Upon review of this FERC DEIS; it is not apparent that this action has been administered during this phase of the FERC Process.</p> <p>20. Section 2- Page 20 : The FERC approved AES Plan to remove the soil at the Terminal site; can only be contained and transported,by Chain of Custody,to a Federal Hazardous Material Containment Facility (HMCF). No other disposal method is allowed for RCRA High Priority Soils.</p> <p>21. Section 2- Page 20 : The FERC approved AES plan for reuse of toxic dredge spoil is prohibited under Federal, State, and Local Law. Stabilization; by cement; does not remove the incorporated Hazardous Material designation from the finished Processed Dredge Material (PDM) Stabilization will temporarily bind toxins; however, over time these same toxins will leach out from this PDM material. The bottom line still remains; toxic contaminated dredge material cannot be utilized for "beneficial reuse" or "innovative reuse"</p> <p>22. Section 2- Page 25 : AES lacks specificity in exactly describing use applications of the PDM. AES,s proposed PDM cannot be used for CAP material, given the known toxic quantity and quality of this said material; higher contaminated material cannot be applied to cover less contaminated material.</p> <p>23. Section 2- Page 26 : It is inconceivable that FERC would determine that this AES Mid Atlantic Express Pipeline; which will primarily be a construction Right of Way (ROW) 87 miles long by 200 feet wide; clearcut to the soil and below the soil line as necessary;crossing Critical Areas; wetlands; woodlands; waterbodies; historical sites; archaeological sites; State Park lands; DNR Sensitive Species Areas; Agricultural Easements; and Private Properties; would have "limited", "minimal", or "no" environmental impacts. Also; FERC has made no specific references to possible violations of Federal, State, or Local Laws pursuant to Md. and Pa.; which will result from this AES Project. No matter how AES regards itself; they are not above the Law.</p>	<p>OC5-23 As stated in section 4.3.2.5, stormwater discharges from the construction site are covered under Maryland's General Permit for Construction Activities (COMAR 26.08.04). Decanted water from the dredged sediments would be pumped to a dedicated dewatering barge and passed through a settling tank and filtered. At this point, samples would be collected and undergo chemical and physical analysis to determine if any chemical residual in the water exceeds the threshold values set forth in the USEPA/MDE discharge permit. If the water exceeds Federal, State, and/or local standards prior to discharge, onsite/offsite treatment and disposal will be evaluated. If feasible, water would be treated to meet applicable Federal, State, and/or local standards prior to discharge. Offsite disposal options include the local POTW, where it would be treated prior to discharge or offsite facilities that would be able to accept and treat the contaminated water.</p> <p>OC5-24 FERC is the lead agency pursuant to NEPA, and is assisted by the other federal cooperating agencies who are responsible for issuing federal authorizations for the AES proposal. Coordination continues throughout this NEPA process, and would continue if the Project is approved for construction and operation.</p> <p>OC5-25 Comment noted.</p> <p>OC5-26 As discussed in the Consolidated Dredge Plan (appendix D), the contaminated sediments would be solidified and stabilized to prevent leaching of materials. This procedure is widely accepted by Federal and state agencies for remediation of hazardous materials as solidification and stabilization removes the potential for exposure (i.e., inhalation, ingestion, dermal contact) through physical binding and it removes toxicity by negating bioavailability (i.e., the availability of the chemical for systemic circulation within the organism). If there is no exposure or toxicity to the organism, there is no risk.</p> <p>OC5-27 Appendix B of the CDP provides potential beneficial reuses for PDM. Please see response to comment OC5-26.</p> <p>OC5-28 Please see response to comment OC5-1.</p>
--	---

0080616-0058 FERC PDF (Unofficial) 06/13/2008

OC5-30 24. Section 2- Page 29 : AES , by its own description; fully intends to dispose of the vegetative material they remove during construction by landfilling onsite or by deposition in windfall berms at the border of their ROW along the entire 87 miles of their proposed Project. FERC cannot seriously believe this will have minimal or no environmental impact on the effected areas; please note that the method AES proposes is illegal in Md. and Pa.

OC5-31 25. Section 2- Page 31 : FERC and AES have made an error regarding the crossing of "Humphreys Creek"; this is not a waterbody ; in fact it is a Hazardous Toxic Waste Canal located on Severstahl Property. The true body of water known as Humphreys Creek was filled in with slag and toxic waste between 1950 and 1974.

OC5-32 26. Section 2- Page 32 : Federal, State, and Local Laws state that it is illegal to intentionally alter, degenerate, landfill, or destroy wetlands. Neither FERC nor AES have or can be legally granted the authority to carry out this action without recourse.

OC5-33 27. Section 2- Page 32 : Non-tidal wetlands and Agricultural lands are regulated and separated under distinctly different areas of Law in Md. and Pa. ; never the two shall meet or be addressed as one. Upon review of this FERC / AES DFIS, it would appear that considerations and proposals have merged on these issues.

OC5-34 28. Section 2- Page 32, 33 : In the event that FERC should Permit and allow AES, s Project Wetlands and waterways must be inspected and overseen by USACE, EPA, DEP, and MDE directly; not by FERC which only has jurisdiction over AES; and most certainly not by AES watching over AES. In fact, AES has no U.S. Government Power or Authority as a Private Industry. we find this recurring issue very interesting.

OC5-35 29. Section 2- Page 32 : Contrary to FERC,s determination and approval; AES,s Project will permanently impact and destroy the infrastructure of every Critical Area and wetland which the AES project crosses. The AES Project construction process will irreparably disrupt the life cycle of these aforementioned extremely sensitive Areas.

OC5-36 30. Section 2- Page 33 : Regarding the FERC approved AES project proposal for construction and restoration in wetlands; this stated protocol raises very serious concerns. AES,s intended use of vegetative debris in wetlands as a matting for their construction equipment clearly presents an environmental impact threat to these highly sensitive areas; the health of the Chesapeake Bay depends on the efficiency and integrity of all these wetlands; Md. has suffered great losses of wetlands already; from human developmental damages. The Bay is already in the Critical State and will not survive more impact. Next, AES,s proposed wetlands restoration is totally non consistent with any known wetland management practice. Ryegrass is a winter cover crop for farmland. Ryegrass is not native to any wetland; further, never in our collective environmental experience have we heard of any experienced wetland management professionals employing the use of any plant which does not belong in a wetland and which would be detrimental to wetland quality.

OC5-29 If approved, the applicants are liable for any noncompliance order from permitting agencies/agencies with federal authorization responsibilities, if an action is found to be in noncompliance with terms and conditions of permit approvals.

OC5-30 Section 2.3.2.1 has been updated to include a discussion on vegetation disposal. Mid-Atlantic Express would comply with all federal, state and local regulations.

OC5-31 The final determination as to whether Humphrey's Creek is a regulated waterbody or wetland would be made by the appropriate federal and/or state agency. The Project has correctly identified and delineated all potentially-regulated areas which are to be field-verified by the appropriate agency(ies) as indicated in section 4.4.2.1.

OC5-32 The appropriate agencies are cooperating in the preparation of this EIS to ensure compliance with provisions of the Clean Water Act.

OC5-33 Comment noted. We agree that they are two separate important resources that deserve discussions on their own merit. See sections 4.2 and 4.4.

OC5-34 The MDE, PDEP, EPA and COE would oversee construction in wetlands and waterbodies regulated by their agencies. Also see response to comment OC5-32.

OC5-35 The determination as to the extent and magnitude of impacts to regulated areas will be made by the appropriate regulatory agencies based on their review of the final ARMP which would be submitted by AES as indicated in section 4.4.4.

OC5-36 The use of timber matting (see section 2.3.2.2) in wetlands for vehicular equipment is a commonly-accepted practice by the COE and various state regulatory agencies in the eastern U.S. The use of annual ryegrass (see section 2.3.2.2) as a temporary cover for wetlands mitigation is a commonly-used practice in wetlands restoration.

0080616-0058 FERC PDF (Unofficial) 06/13/2008

OC5-37 31. Section 2- Page 34 : All CFRA Permits, Certificates, and Formal Recommendations required from Md. and Pa. by AES to meet FERC's Process Requirements have been denied. This should illustrate to FERC that AES's wants are deemed problematic by virtually all Governmental Agents throughout three States. There must be a logical and relevant reason why everyone is opposed to this LNG Site. The opposition in this Case is not against LNG as an energy need; but most specifically against the choice of the Site.

OC5-38 32. Section 2- Page 35 : Inspections on all phases of this AES Project, if Permitted, should be conducted by a Federal Investigator, not by AES. This mandate should be mandatory and not negotiable.

OC5-39 33. Section 2- Page 35 : The U.S. Coast Guard requires a 50 ton Bollard tug to take up escort of an AES LNG vessel just South of the Bay Bridge; this item is not entered in this EIS.

OC5-40 34. Section 2- Page 38 : MARAD and MARSEC Regulations require a minimum Standard Security Zone of 500 yards around a LNG vessel at all times. AES has suggested reducing this Security Zone to 300 yards, which is below Standard. It seems apparent that AES will try any avenue for succeeding in forwarding this Project.

OC5-41 35. Section 2- Page 38 : FERC has stated in this DEIS that AES would be granted expansion rights under this Permit. The issue of Expansion should require an entirely separate Permit Process; no piggybacking should be allowed under one Permitting

3-1 ALTERNATIVES

OC5-42 36. We will reiterate, once again for the Record, that this AES Project should be located offshore of the U.S. Coastline; 9 to 15 miles out in the Atlantic Ocean with a single pipeline to shore. This would negate all environmental impacts, property issues, and Safety/Security issues; with no Risk to the Public Health, Welfare, and the Environment.

OC5-43 37. 3-2 Section 3.1.1 : This FERC / AES logic is flawed due to the that Dominion Fuel at Cove Point ( the largest LNG facility in the U.S. ) is in the construction phase to double their facility's capacity and output. In all honesty, the AES Project is not necessary for Maryland's energy needs; especially due to the fact Md gets no equitable benefit for the risks we are being asked to shoulder.

OC5-46 38. For alternative fuel in Maryland; Hydrogen should be the focus. Nuclear Energy would supply the process energy for Hydrogen production. Hydrogen is the planet's cleanest burning; non polluting fuel. Also it is the ultimate renewable fuel; virtually perpetual. President George W. Bush, Jr. issued the Hydrogen Initiative Act in 2003. The intent of this Act is to replace Carbon based fuels with Hydrogen.

OC5-47 39. Section 3- Page 48 : The AES pipeline variation 2A at Cove Road will pass directly through a Protected Wetland RC 2 Covenant Zone.

OC5-37 Please see response to comment OC5-14.

OC5-38 See section 2.5 for a description of FERC's inspection programs.

OC5-39 Section 2.1.2.1 has been revised to reflect the number and size of tugs required within the WSR.

OC5-40 As stated in the WSR (see appendix J), under 33 CFR 165, a 500-yard security zone would be implemented around an LNG vessel transiting the Chesapeake Bay (see section 4.12.5.4). A 300-yard security zone would be implemented around an LNG vessel moored at the LNG terminal, as well as around the LNG terminal when an LNG vessel is not present (see section 4.12.5.5).

OC5-41 Mid-Atlantic Express has requested blanket authority for future pipeline system expansions in CP07-64 and CP07-65 per 18CFR 201, Subpart F. If authorized, the company could do minor expansions within a certain cost limit, and would need to comply with environmental standard conditions in section 157.206(b).

OC5-42 Please see response to comment OC5-18.

OC5-43 Dominion Cove Point's LNG expansion is fully subscribed for the gas by its customers. Also please see response to comment OC5-15.

OC5-44 Please see response to comment OC5-43.

OC5-45 Please see response to comment OC5-43.

OC5-46 Comment noted. However, currently hydrogen is not a major source of energy in the US. See discussion of renewable energy in section 3.1.2

OC5-47 In the DEIS, regarding the wetland in question, along Variation 2A, the wetland was incorrectly listed in the table as occurring along the Variation 2A, when it occurs along the original route and is avoided by the variation. See section 3.3.3 *Route Variation 2a* for revision in text and table.

0080616-0058 FERC PDF (Unofficial) 06/13/2008

OC5-48	<p>40. Section 3- Page 49 thru 66 : FERC frequently mentions woodland and forested wetland losses. The variances in the AES pipeline route are adopting a zig-zag pattern throughout upper Md. and Pa. This seems to be the result of AES's avoidance of possible litigation. Subsequently more open space will be sacrificed for the AES Goal.</p>	OC5-48	<p>The apparent "zig-zag" route adapted by AES is an attempt to stay along developed utility corridors, but to make exceptions (avoidances) in order to reduce impacts to one environmental feature or another. Sometimes the feature avoided is a residential area, a commercial area, or a park; other times it is a wetland or forest. In this Project, avoidance was either initiated or encouraged by the FERC staff. This pattern is common for placement of any new utility in a congested area such as Maryland or Pennsylvania.</p>
OC5-49	<p>41. Section 4- Page 2,4 : The United States Geological Survey (USGS) has identified a Class 5 Richter Scale Fault ( reference:MDE) running North to South located directly under the Sparrows Point Shipyard. Next ; the strata at the proposed AES Site is comprised of 20 to 40 feet of slag and toxic waste' sitting atop 80 to 300 feet of soft silty alluvial clay; liquification is imminent. Construction of an extremely heavy facility (AES) atop man made settled aggregate, on top of soft, silty clay, do the math.</p>	OC5-49	<p>We are not familiar with the term "Class 5 Richter Scale Fault." If the commenter is suggesting that there is an active fault directly beneath the site area that generated a Magnitude 5 earthquake that is simply not correct. The largest recorded earthquake epicenter within Maryland was a Magnitude 3.7 event in 1939 centered near Phoenix, MD, approximately 22 miles to the NNW of Sparrow's Point. According to the U.S.G.S. and the Maryland Geological Survey, there are no active faults under or anywhere near the proposed plant site. Deaggregation of the probabilistic seismic hazard data from the U.S.G. S. indicates that local moderate magnitude earthquakes (M 5.0-5.5) contribute most of the earthquake hazard in the site region. The local earthquakes are not associated with any specific faults or seismic source zone but instead are based on the very small possibility that a moderate earthquake can occur anywhere in the region. Nevertheless, the design of the LNG facility would be based on the assumption of an earthquake of approximately M 5.0-5.5 occurring directly beneath the site.</p>
OC5-50	<p>41. Section 4- Page 2,4 : The United States Geological Survey (USGS) has identified a Class 5 Richter Scale Fault ( reference:MDE) running North to South located directly under the Sparrows Point Shipyard. Next ; the strata at the proposed AES Site is comprised of 20 to 40 feet of slag and toxic waste' sitting atop 80 to 300 feet of soft silty alluvial clay; liquification is imminent. Construction of an extremely heavy facility (AES) atop man made settled aggregate, on top of soft, silty clay, do the math.</p>		
OC5-51	<p>42. Section 4- Page 5 : Records concerning the original construction of the Bethlehem Steel Complex registered that the process was extremely problematic due to the repeated inability to set steel pile in the semi liquid alluvial mud ( reference BSC ).</p>		
OC5-52	<p>43. Section 4- Page 7 : FERC /AES reference and comment on the 500 year flood plain; however, the AES Project Site sits squarely in the 100 year floodplain; yet neither FERC nor AES register any calculations or comments concerning this issue. Also, FERC/AES's consideration for topographic alteration lacks specificity for the physical changes which will result from the dredge project and construction of this proposed AES Project.</p>	OC5-53	
OC5-54	<p>44. Section 4- Page 9 : Nine areas of the proposed AES pipeline will require blasting. This is an issue which was only revealed in this FERC DEIS. For two and a half years; neither FERC nor AES ever mentioned Blasting. This seems to be an issue concerning " Right to Know". AES promises to mitigate for damages to wells, septic systems, and structures; however they do not specifically state the limit of their liability in these matters.</p>	OC5-50	<p>Further geotechnical investigations and analyses are required to establish the final design criteria for the plant foundations, liquefaction settlements, and other seismic design loads.</p>
OC5-55	<p>44. Section 4- Page 9 : Nine areas of the proposed AES pipeline will require blasting. This is an issue which was only revealed in this FERC DEIS. For two and a half years; neither FERC nor AES ever mentioned Blasting. This seems to be an issue concerning " Right to Know". AES promises to mitigate for damages to wells, septic systems, and structures; however they do not specifically state the limit of their liability in these matters.</p>		
OC5-56	<p>45. Section 4- Page 10,11 : The AES pipeline portion of this proposed Project presents more than a reasonable concern for overall environmental damage to the land throughout Md. and Pa.</p>	OC5-51	<p>Buried remnants of earlier structures on the proposed plant site would likely complicate the site preparation process and foundation engineering. The FERC's final design review process would ensure that adequate final foundation design criteria are established and that test pilings achieve the required capacities prior to beginning foundation construction.</p>
OC5-57	<p>46. Section 4- Page 13,14,15 : Disturbance of the of the highly contaminated Sparrows Point Shipyard soil should be monitored by the EPA; not AES. Some of the toxic pollutants at the proposed AES LNG Site are 400% above the maximum allowable limits ( MAL) for industrial cleanup Standards. Without strict, direct supervision by EPA, mishandling of this material could cause an imminent hazard to the Public Health, Welfare, and the Environment by redistribution to the air, land, and water. ( 42 CFR).</p>		
OC5-58	<p>46. Section 4- Page 13,14,15 : Disturbance of the of the highly contaminated Sparrows Point Shipyard soil should be monitored by the EPA; not AES. Some of the toxic pollutants at the proposed AES LNG Site are 400% above the maximum allowable limits ( MAL) for industrial cleanup Standards. Without strict, direct supervision by EPA, mishandling of this material could cause an imminent hazard to the Public Health, Welfare, and the Environment by redistribution to the air, land, and water. ( 42 CFR).</p>		
OC5-59	<p>47. Section 4.1.3 : The AES pipeline will most likely encounter Fossilized items throughout the ROW. If FERC grants AES the Permit; who will monitor their progress? What could AES do to mitigate for damages at Fossil or Historic Sites?</p>		

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>OC5-60 48. Section 4- Page 12 : Regarding FERC,s impact statement concerning LNG spills while in Transit, " as there would be no significant adverse impacts to geologic resources via, intentional, or accidental; ignited or unignited." An ignited spill may not effect rock; however, what about aquatic life and shoreline structures; flora; and fauna?</p> <p>OC5-61 49. Section 4- Page 24 : Sediments at the proposed AES pipeline Back River crossing are EPA High Priority toxic Contaminated; not only from the Quad Avenue Landfill, but more so from the spoils in the effluent at the unimproved Back River Wastewater Treatment Plant (BRWWTP).The spoil problem was so severe in the area, that the U.S. Army Corps refused to dredge any material North of the Back River Bridge. Disturbance of the sediments and related strata at this site could cause severe impact to the Back River Tributary.</p> <p>OC5-62</p> <p>OC5-63 50. Section 4- Page 24,25 : The groundwater aquifers at Sparrows Point rise to within 50 feet or less of the land's surface, registered by USGS. Neither FERC nor AES have exhibited any studies or data about groundwater and impacts to the water table resulting from AES's proposed Project. The Level of disturbance of the strata at the shipyard; would very well cause further impact to our groundwater system. Groundwater at Sparrows Point is already highly contaminated; this Project would make a severe situation much worse.</p> <p>OC5-64</p> <p>OC5-65 51. Section 4- Page 30 : The FERC DEIS fails to mention the fact that the proposed Project site waterway is already listed by USACE as "severely impaired". This designation is not simply due to nutrients and sediments; but also caused by heavy toxic pollution.</p> <p>DREDGING</p> <p>OC5-66 52. Section 4.3.2.4- Pages 35 thru 57 : In this FERC DEIS; AES's sediment chemical analyses show 69 CERCLA Priority Pollutants at the proposed AES Dredge Site; The LNG Opposition Team submitted a Report at the first FERC Public Hearing in June 2006 wherein we have shown that there are approximately 103 CERCLA Priority Pollutants contained in the sediment at Sparrows Point Peninsula; AES did at least find 69 out of 103.</p> <p>OC5-67 We strongly disagree with AES,s toxic pollutant Findings for levels of concentration at this Site. Toxic concentrations historically Registered at this Site in Agency Reports; prior to AES's Submission; all show toxic levels in the parts per million(PPM) at or at or above Industrial MAL. AES now Reports that now the concentrations are in the parts per trillion(PPT); or trace levels. This presents a contradiction in the status quo of the Data flow. Further, confidence level for the AES Findings is low. Scientists have been researching and monitoring this site and the surrounding Regional Waterways for decades. AES's Report enters a claim against these same scientists and Agencies as being in error. We hold that the Data registered for over thirty years is accurate and true.</p>	<p>OC5-52 Construction within the 100-year floodplain would be regulated by the appropriate municipal, county, state, and federal building codes, laws, and regulations for building in floodplains. As indicated in section 4.12.2, certain critical equipment at the LNG terminal will be elevated to at least 10 feet NAVD88. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map indicates the 500-year (Zone "B") flood limits do not encroach onto the proposed terminal site (FEMA, 1996). If the 500-year flood limits do not encroach on the site then the 100-year limits will not affect the site.</p> <p>OC5-53 Comment noted.</p> <p>OC5-54 Blasting would be conducted in accordance with local permitting requirements, and is not unusual in constructing buried utilities, such as pipelines. Prior to initiating blasting activities, AES would file a site-specific Project Blasting Plan with the Secretary for the review and written approval of the Director of OEP.</p> <p>OC5-55 Comment noted. AES and Mid-Atlantic Express are liable and responsible for repairing or replacing wells, septic systems and structures damaged by construction.</p> <p>OC5-56 FERC staff's conclusions and recommendations are found in section 5 of the EIS. The measures are intended to avoid or further reduce impacts overall of constructing the Project. Please also see response to comment OC5-1.</p> <p>OC5-57 Prior to construction, AES would file an amended "Potentially Contaminated Soils Management Plan" with FERC, which would be developed in consultation with the appropriate agencies, including EPA, COE, and MDE. With the agencies input in preparing the plan would ensure AES' disposal of dredge material would comply with all federal and state laws regarding disposal of contaminated soils. The applicable agencies would monitor during construction for compliance with the plan and permitting requirements.</p> <p>OC5-58 Please see response to comment OC5-57.</p> <p>OC5-59 Environmental inspectors have stop-activity" authority in the event fossils or archaeological resources are found during excavation.</p>
---	---

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>OC5-68 The toxic pollutants which are in the sediment at Sparrows Point Peninsula are CERCLA High Priority; they do not readily disassociate or break down; most are not miscible in water or easily bound to sediment; nor do they disappear as AES would have everyone believe. In fact, many of these toxic pollutants have very long half-lives.</p> <p>Next, AES, as stated in the DEIS, intends to use the steel clamshell dredge apparatus for the Dredge Project at this highly toxic contaminated Site. AES's logic is clear; this Method expedites and shortens the duration of the Dredge Project. The resulting environmental impact to the open waters of the State of Maryland will be no less than severe "Imminent Hazard" and will in no way improve the Quality of the water (CAC). This Dredging will irreparably decimate thirty years of Restoration efforts undertaken within the Chesapeake Bay Program to correct and repair the damage done by the Bethlehem Steel Corporation (BSC) for over 120 years.</p> <p>AES tries to manipulate factual Data to benefit approval of the AES LNG Project. An example is AES's flaw in presenting Data which they believe justifies their Project and help Md. clean up this Problem. In this FERC DEIS in Section 4 page 51; AES lists a partial excerpt from a MDE Spatial Mapping Study (2007). The obvious error is that AES fails to recognize that this Study was executed for select contaminants to be used as an indicator; for comparison to existing Data. This MDE Study is not a comprehensive sediment bioassay, which is a prerequisite for fully understanding all aspects of a waterbody's true Status. Further, the MDE Test Stations are not located in the site specific area of the AES proposed Project; however the study does help to minimally illustrate the scope of migratory spread of the listed pollutants.</p> <p>Another outstanding error in this DEIS is the statement; by AES; that the toxic contamination is largely contained in the upper 2 to 4 feet At SPS. This assumption is contrary to Reports issued by MDE, EPA RCRA Division, EA Engineering, and comments by the Chesapeake Bay Foundation (CBF). MDE and EPA have been administering and enforcing the 1997 U.S. Consent Decree at SPP. On 9 / 11 / 2007, both Agencies stated in Public Record that there has been a monitored minimization of toxic waste quantities from Sparrows Point Industry; if toxic waste waste output levels have been considerably reduced during the last decade; then we can draw this conclusion: It would be scientifically and physically impossible for the upper two to four feet of SPS Sediment to be more contaminated than the deeper sediment below; unless MDE and EPA are issuing false statements; we believe the Agencies; who have always proved trustworthy. Also; there is a collective determination amongst the reputable scientific community of experts for the Chesapeake Bay; which is that there has been a 3 to 4 foot deposition of cleaner sediment throughout the Patapsco River Basin during the last 17 years; AES even states in this DEIS; that they would acquire 68 inches of sedimentation annually; thus necessitating maintenance Dredging ( that's 5 feet 8 inches per year). Once again this raises the question of how; with the facts presented; including AES's input; could the upper 2 to 4 feet of sediment at SPS ; possibly be the most contaminated. Registered factual Agency Reported Data render AES's Reports highly questionable and improbable.</p> <p>AES cites the Barletta SPS Dredge Project; stating that AES should also be allowed to dredge at this site ; since the footprint is basically identical.. Please note that Mr. Barletta's Dredge Project is pending litigation. Barletta SPS LLC. did remove 300,00 CY during 45 days; from December 2006 to January 2007; this small part of the 3.2 MCY USACE Permit caused two major fishkills and a large toxic sediment plume which extended inward to Curtis Creek and outward past Fort Smallwood into the Chesapeake Bay. Property Owners in Southeast Baltimore County and Northern Anne Arundel County registered complaints about impacts to their shorelines, boats, and properties.</p>	<p>OC5-60 Spill effects on biological resources are discussed in sections 4.5, 4.6, and 4.7.</p> <p>OC5-61 As discussed in section 4.3.2.5, and in the CDP (appendix D), mitigation measures would be used to ensure that water quality impacts would be minimized. In softer, surface sediments, an environmental bucket would be used concurrent with reduced and controlled lowering speeds for the crane, and scows and containers would be solid hull constructing and completely sealed and water tight to avoid release of dredge material. Additionally, a water quality sampling program would be instituted within a 1000-ft limit upstream and downstream of the proposed dredge area. Sampling would be conducted prior to, during, and 30 days post-dredging activities. Results would be submitted to ACOE within 120 days of the completion of dredging activities.</p> <p>OC5-62 Prior to crossing the Back River, AES would file with FERC, for review and written approval by the Director of OEP, a report containing the results of sediment quality testing at the location of the Back River crossing, an assessment of the risk to crossing this waterbody with either HDD or open-cut crossing methods, and a site-specific crossing plan for this location that minimizes disturbances of the above-mentioned contaminants. Please see response to comment OC5-61.</p> <p>OC5-63 Impacts to groundwater are discussed in section 4.3.1.1, <i>Groundwater Resources Impacts and Mitigation</i>.</p> <p>OC5-64 Impacts to groundwater are discussed in section 4.3.1.1, <i>Groundwater Resources Impacts and Mitigation</i>.</p> <p>OC5-65 Contaminants in Baltimore Harbor are discussed in section 4.3.2.3.</p> <p>OC5-66 Many chemicals may be found in environmental media (e.g., sediments); however, if the concentrations do not exceed Federal or State criteria/guidelines or risk-based criterion, then the concentrations are considered acceptable by the regulatory agencies.</p>
--	---

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>OC5-73 OC5-74 OC5-75</p> <p>Next, let us consider the magnitude of environmental impact which will undoubtedly occur as a result of dredging 2.6 MCY ( Barletta) and 3.7 MCY (AES) of toxic sediment in the same 118 acre area at SPS. The sheer volume of this Dredging will be compounded by the extended duration of constant disturbance to the sediment over a minimum two and a half years. This activity will cause an immediate Imminent Hazard ; both acute and chronic; and cause the decimation of mostly all aquatic life by the release of the toxic pollutants into the water column. This AES dredge Project will totally erase all restoration efforts regained during thirty years of due diligence to restore the Chesapeake Bay. AES 's dredging will have immediate catastrophic effect no two major Environmental Initiatives of National Interest at this Site.:</p> <p>OC5-76</p> <p>1. The Maryland Department of Natural Resources (DNR) has Registered an ongoing Monitored Natural Recovery (MNR) process; this MNR has been recorded from 2000 to 2007. The MNR will be compromised and lost from the waterways surrounding SPP. This Region was virtually devoid of aquatic life from 1980 til 2000.</p> <p>OC5-77</p> <p>2. The AES dredge project will devastate another Project of National Interest, which is NOAA Project 64. NOAA Project 64 is a 100,000,000 million dollar Federal Phase Funded Project at Fort Carroll for the Restoration of Maryland's Native Oyster. This NOAA Project was initiated in 1995 and is fully active. The AES dredging Project will be conducted less than 1500 feet from NOAA Project 64; the danger to the continuing existence of this Project is that should 2 inches or more of sediment be deposited over this 3.5 acre Oyster Farm; the oysters will suffocate; compounding this danger is the fact that the sediment is toxic. Based on this issue alone, the AES Dredge Project at Sparrows Point should be Prohibited.</p> <p>OC5-78 OC5-79</p> <p>The resuspension of the massive volume of toxic pollutants into the water column of the open waters of the State of Maryland is an imminent hazard and a criminal offense under Federal, State, and Local Laws. Finally; AES is a private industry; which is not Permitted or Registered in Baltimore County Pursuant to Maryland Annotated Code- Environmental Sections 5-1103 and 16-202. AES cannot dredge at Sparrows Point even if FERC grants this proposed site Permit; to attempt to execute this Project would be in direct violation of this Maryland State Law.</p> <p>OC5-80</p> <p>52. Section 4- Page 93 : In this DEIS; AES is attempting to excuse themselves from inclusion within our National Maritime Ballast Law. AES states " the LNG vessels are not ours; AES is exempt and cannot be held responsible for any violations incurred for ballast issues related to the AES Project. We believe AES should have total liability for any ,and all, damages; violations; and environmental impacts effecting Maryland, Virginia, and Pennsylvania by any and all associations linked to this AES LNG Project.</p> <p>OC5-81</p> <p>53 Section 4- Page 96 : In this DEIS; AES make very broadbased assumptions regarding the significance and likelihood of catastrophic events. Throughout AES's stated position; the safety consideration for the Public Health, Welfare, and the Environment are minimally disregarded as insignificant.</p> <p>OC5-82</p> <p>54 Section 4- Page 163 : FERC wishes to grant AES an exception to the MARAD/MARSEC Regulations which would allow other vessel to pass within 100 yards of the LNG vessel during transport; this would be a violation of the Maritime Safety Exclusion Standard of 500 yards. We believe that FERC would be exceeding its Authority in this Particular instance.</p>	<p>OC5-67</p> <p>Chemical analyses of environmental media represent a "snapshot" for that particular moment. As discussed in section 4.3.2.4, chemical constituents may be partitioned or transported between various media: the sediments (or other environmental media), the aqueous phase in the water column (including groundwater), and biological matter. Neither chemical concentrations nor chemical structures remain constant in the natural environment. Additionally, physical forces such wind erosion, volatilization, currents, tides, flooding, and storms may have moved soils/sediments.</p> <p>OC5-68</p> <p>As discussed in section 4.3.2.4, physical analysis of sediments included bulk density. The results of those analyses indicated sediments were composed of clay particles rather than sand. Contaminants detected in the most recent (2007) sediment samples included polyaromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and metals, all of which readily adsorbed to soils.</p> <p>OC5-69</p> <p>Please see response to comment OC5-61.</p> <p>OC5-70</p> <p>Comment noted. The MDE would ensure compliance with its regulations and required studies.</p> <p>OC5-71</p> <p>Comment noted. The EPA and MDE would ensure studies and methodologies are consistent with others in the Patapsco River basin in considering issuance of any permits for the project.</p> <p>OC5-72</p> <p>Comment noted.</p> <p>OC5-73</p> <p>Please see response to comment OC5-61.</p> <p>OC5-74</p> <p>Please see response to comment OC5-61.</p> <p>OC5-75</p> <p>Please see response to comment OC5-61.</p> <p>OC5-76</p> <p>Comment noted.</p> <p>OC5-77</p> <p>According to Mr. John Nichols from NOAA, he had been informed by Rich Takacs, a member of the NOAA restoration staff, there are no longer oysters present at the Fort Carroll Oyster Project. (Personal communication between Nikki Wiefeling (AMEC) and John Nichols (NOAA) on September. 29, 2008.)</p>
--	---

<p>0080616-0058 FERC PDF (Unofficial) 06/13/2008</p> <p>OC5-83 55. Section 4- Page 164,165 : FERC statement that “disruption to boating, fishing, and recreational uses in the Chesapeake Bay would be minor, but permanent” is very ambiguous and cannot be so readily calculated and downplayed. The outcome of impacts resulting from this Project are incalculable and too unpredictable, to so easily enter a conclusion is in error.</p> <p>OC5-84 56. Section 4- Page 165 : FERC has entered another error in this DEIS. The Registered Waterbird Colonies near the AES Project Site are not 1.5 miles away; in fact they are as follows:</p> <ol style="list-style-type: none"> <li>1. Fort Carroll is approximately 0.6 miles from Sparrows Point</li> <li>2. The Bird Colony off the Southwest tip of the SPS is only 500 yards from the proposed AES Project Site. Effectively both Colonies are in peril at their present location if the AES Project is Permitted.</li> </ol> <p>OC5-85 57. Section 4- Page 263 : AES will only report pipeline incidents which involve property damages of 50,000 dollars, injury, death, or release of gas. We believe that AES should be held to total liability for any and all damages, incidents, or other negative occurrences which result in impact or damage.</p> <p>OC5-86 The LNG Opposition Team concurs with and supports the condemnation of this FERC DEIS as stated by our U.S. Congressional Leaders and Registered in the Associated Press. Further we strongly and respectfully request that the Honorable FERC Commissioners DENY the AES Sparrows Point LNG, LLC/ Mid Atlantic Express Pipeline, LLC. Permit. This Testimony is Submitted by the LNG Opposition Team.</p> <p>OC5-87 Sincerely, Russell S. Donnelly, Environmental Coordinator</p>  <p>LNG Opposition Team 2114 Oak Road Sparrows Point, Maryland 21219 Phone: 410-388-0898 direct 410-477-3808 alternate Fax: 410-388-0002 Email: irsd7@verizon.net</p>	<p>OC5-78 Comment noted. If FERC authorizes the Project, then AES would be responsible for securing the appropriate permits before it would be allowed to proceed with dredging activities.</p> <p>OC5-79 Please see response to comment OC5-78.</p> <p>OC5-80 Although AES would not own the vessels in use bringing LNG to the proposed terminal, the owner of the vessel would be liable and responsible for compliance with maritime laws.</p> <p>OC5-81 Safety issues, including potential for terrorist attacks, related to the offshore, onshore, and pipeline components of the project were considered during both the engineering review done by FERC staff and the U.S. Coast Guard's waterway suitability assessment process. The results of these reviews are provided in section 4.12.</p> <p>OC5-82 The existing regulations on LNG carrier operations in Maryland waters under 33 CFR 165.500 do not allow entry of any vessel into a security zone. Establishment and control of safety/security zones is under the jurisdiction of the Coast Guard, which has indicated that it intends to establish a Regulated Navigation Area which would allow vessels maintaining a minimum safe speed to enter the security zone.</p> <p>OC5-83 We disagree with the commenter's interpretation of staff's conclusion in this section. The conclusion in this section regarding recreational boating says “the effect of LNG carrier transit on recreational boating events would be minor and occasional but would occur over the life of the Project.” It does not say “the impacts would be minor, but permanent.”</p> <p>OC5-84 See section 4.6.1 for a discussion of impacts to waterfowl species and habitats. A discussion of impacts to waterfowl hunting is presented in section 4.8.4.2.</p> <p>OC5-85 The statistics reported in section 4.12 regarding pipeline incidents have been compiled by DOT over many years. The manner in which DOT compiles and reports pipeline accidents, outcomes and damages is determined solely by DOT, and is not influenced by AES nor the FERC.</p>
--	--

	<p>OC5-86      Comment noted. The EIS is not a decisional document. The purpose of the EIS is to disclose the impacts to the public, and is used by the Commissioners in considering the impacts of constructing and operating the Project. Also see response to comment OC5-18.</p> <p>OC5-87      The commenters attached additional comments or studies that were filed in the record previously and were accepted as scoping comments. Therefore, we will not readdress them here.</p>
--	--

OC6 - M&MDP, Steven and Joanne McNaughton & Robert and Amy McHugh

20080616-5043 FERC PDF (Unofficial) 6/16/2008 1:15:48 PM

270-280 Moore Road  
Upper Uwchlan Township  
Downingtown, PA 19335

June 16, 2008

**EFILED**

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Room 1A  
Washington, DC 20426

RE: AES Sparrows Point LNG, LLC  
Docket Nos. CP07-62, CP07-63, CP07-64

Dear Ms Bose,

Steve and Joanne McNaughton and Robert and Amy McHugh are property owners of 2 adjoining parcels in Upper Uwchlan Township in Pennsylvania totaling about 32.5 acres. We are also partners for a joint residential development project (M&MDP) for 32 new residential lots on these same parcels. M&MDP would be greatly affected by the routing of the AES pipeline through these parcels.

The M&MDP plan was submitted to Upper Uwchlan Township in August 2006 and presented to the Planning Commission in September 2006 for comments.

Upper Uwchlan Township Suggested Route

Upper Uwchlan Township previously filed comments in March 2007 for a reroute around Hunters Ridge development in lieu of the Proposed Route. The reroute proposed is identical to Variation 12A in the Draft Environmental Impact Statement (DEIS) depicted on page 3-65, Figure 3.3.3.11, which the document further indicates is preferred over the Proposed Route to avoid the Hunters Ridge area. We understand and support the need for the reroute of this area already encumbered and overly saturated with pipeline routes.

On or about June 4, 2008, Upper Uwchlan Township submitted an additional comment withdrawing the suggested route and clarifying they have "no preference" for any route.

Therefore we request that any alternate route be considered on it's own merits without a predisposed bias.

Development Impact

As mentioned above, in September 2006 a sketch plan was presented to Upper Uwchlan Township for a joint development between the parties above. Since that time, the landowners have undertaken studies recommended by the UUT Planning Commission. The development includes 33 new lots and a Central On Lot Disposal system (COLD system). Under the current zoning ordinance, landowners may option to use "Flex" zoning to provide clustered housing while providing Open Space or additional sewage disposal for bonus density. Pipelines, which currently total 1.83 acres, are deducted from the calculations resulting in lower density and complicating building placement.

AES Pipeline Route  
June 16, 2008  
Page 1

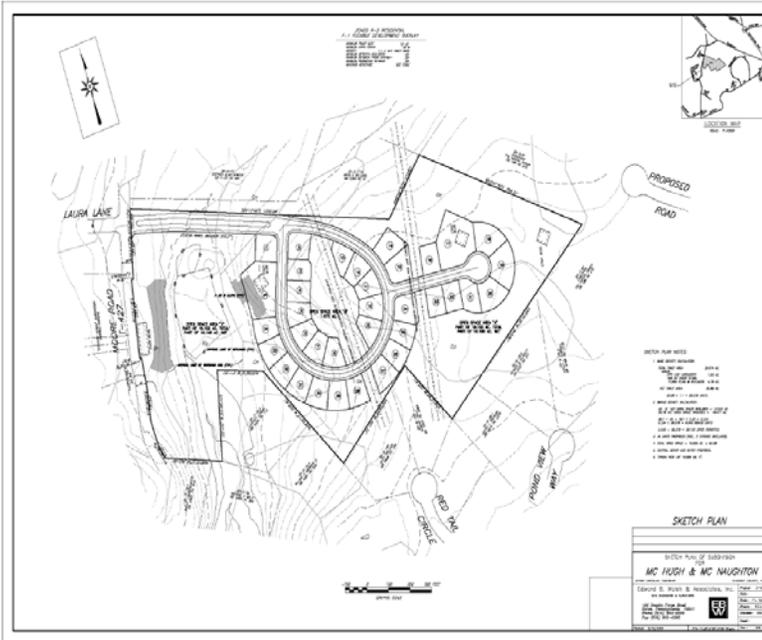
20080616-5043 FERC PDF (Unofficial) 6/16/2008 1:15:48 PM

OC6-1

Variation Route 12a would circuitously traverse through both parcels approximately 2200 feet most of which is not currently encumbered. The 12a route will produce several negative results if pursued:

1. The lower density will result in severe loss of units due to loss of open space, and,
2. The loss of units would threaten the economic viability of the entire project since the cost of a COLD system installation requires a minimum of 25 dwelling units based on the targeted price range of the finished housing and infrastructure costs.
3. The route depicted as 12a will disturb the area designated as drip area for the COLD system in and of itself threatening the entire project.
4. The path will further divide the parcels and impose greater restrictions to the buildable acreage.

If the Proposed Route (no alternatives) is followed, a loss of density will also result and, again, that would also threaten project viability with a projected loss of at least 7 lots.



AES Pipeline Route  
June 16, 2008  
Page 2

OC6-1

These concerns were taken into consideration in our review of route variation 12a. See revised section 3.3.3 of the FEIS.

OC6 - M&MDP, Steven and Joanne McNaughton & Robert and Amy McHugh

20080616-5043 FERC PDF (Unofficial) 6/16/2008 1:15:48 PM

OC6-2

During conversations with AES personnel, they were made aware of this plan, but, for some reason, that information was not included in the DEIS. For that reason, we have included a sketch plan indicating the proximity of the lines to the proposed lots.

Please be advised that if either the Proposed Route or the Variation 12a (without variation 12b) is chosen, we will seek just compensation in accordance with the routing decision and its economic impact to the M&MDP.

Thank you,

Steven McNaughton  
Joanne McNaughton  
Robert McHugh  
Amy McHugh

OC6-2

Thank you for this additional information.

AES Pipeline Route  
June 16, 2008  
Page 3

OC7 - Chesapeake Bay Foundation, Alison Prost and Beth L. McGee, Ph.D., Senior Water Quality Scientist

<p>20080616-5119 FERC PDF (Unofficial) 6/16/2008 5:09:10 PM</p> <p>Comment of Alison Prost in Docket(s)/Project(s) CP07-62-000, CP07-63-000, CP07-64-000, CP07-65-000 Submission Date: 6/16/2008</p> <p>Re: Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000 and CP07-65-000</p> <p>The Chesapeake Bay Foundation has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Sparrows Point Liquid Natural Gas (LNG) facility. In conjunction with the DEIS, AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC have applied, concurrently, to the COE for a Department of the Army Individual permit (CENAB-OP-RMN 2007-01844-M16) pursuant to Section 404 of the Clean Water Act. We have focused our comments on the potential water quality impacts associated with the dredging operations and boat traffic in the vicinity of Sparrows Point.</p> <p>The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 190,000 members, CBF works to ensure that changes in policy, regulation, and legislation are protective of the water quality of the Chesapeake Bay and its watershed. In this regard, we are concerned about the potential environmental impacts associated with the re-suspension of the severely contaminated sediments in the area proposed for dredging.</p> <p>Sampling conducted in 2006 and 2007 by AES indicates concentrations of many contaminants, that far exceed concentrations reported in recent studies in Baltimore Harbor (See Table 4.3.2-1 in the DEIS). Concentrations of toxic trace metals, including zinc, chromium, copper, lead, mercury, and cadmium, and polynuclear aromatic hydrocarbons such as benzo(a)pyrene, fluoranthene and phenanthrene that are known carcinogens, in sediments surrounding the peninsula are among the highest in the country and as much as 30 times higher than marine benchmarks for the protection of aquatic life.</p> <p>The proposal calls for the dredging of approximately 3.7 million cubic yards of sediment from an approximate 118 acre area in the Patapsco River to 45 feet below mean lower low water, and disposal of the dredge material by beneficial reuse (e.g., abandoned mine reclamation, landfill capping), or disposal in a landfill. Approximately 7,613 CY of material would be produced daily and continue for about 24 months, with a dredging season of approximately 243 working days in a dredging year. These activities will disturb bottom sediment in the river and re-suspend highly contaminated material into the water column. Hence, the aquatic resources in the vicinity of Sparrows Point will be subject to chronic, long-term exposure to these re-suspended contaminated sediments.</p> <p>Dredging activities will result in increased turbidity and total suspended solids in the water column, as well as the re-suspension and mobilization of sediment-associated contaminants. Exposure of aquatic animals can be both via particle-associated contaminants as well as chemicals that may become soluble upon re-suspension. Furthermore, nutrients such as nitrogen and phosphorus also can be released during dredging activities. So, in addition to potential contaminant related effects on aquatic resources, the disturbance of sediments or discharge of the effluent from the de-watering of the dredged material may also contribute additional bio-available nutrients to the surface waters in Baltimore Harbor, potentially exacerbating the poor water quality problems (i.e., hypoxia and anoxia) that already exist. The Baltimore Harbor is currently listed on the 303(d) list for chromium, zinc, lead, polychlorinated biphenyls, and nutrients like nitrogen and phosphorus. The Clean Water Act prohibits increasing pollutant loads to already contaminated waters and prohibits degradation of waters of the United States. 42 U.S.C. Â§ 1344(b).</p> <p>Once dredging operations are complete, the boat traffic associated with the operating LNG facility will result in the continual re-suspension and redistribution of these highly contaminated sediments. The DEIS indicates that AES conducted modeling related to the re-suspension of sediments and the dispersion and settling of sediments related to the use of tugs at the LNG terminal (Sparrows Point LNG Terminal &amp; Propeller Wash Sediment Impact Study, October 2006). The model anticipated that up to three high-powered tugs (up to 5,000 KW power and 90 ton bollard pull) would be used for the berthing and</p>	<p>OC7-1 The impacts to surface water quality from dredging are discussed in section 4.3.2.5. These impacts are largely temporary and localized to the near vicinity of the dredging activity. The re-suspension of contaminated sediments would be minimized through the use of prescribed dredging methods and engineering controls to minimize the movement of sediment out of the dredging area. Proposed dredging activities would also still need to be reviewed and approved by the COE, MDE, EPA and FERC, with input from MDNR, FWS and NMFS. This review would include an evaluation for the potential of chemical constituents to pose an ecological and human health risk.</p> <p>OC7-2 See response to comment OC7-1.</p> <p>OC7-3 The impacts to surface water quality from dredging are discussed in section 4.3.2.5. Turbidity would be minimized by implementing BMP's such as complying with seasonal restrictions set by the COE, and through the use of environmental dredge buckets. The potential impacts to aquatic biota are discussed in sections 4.6.2.2 and the sorption and solution chemistry of various chemical constituents are discussed in section 4.3.2.4. Proposed dredging activities would also still need to be reviewed and approved by the COE under the provisions of the Clean Water Act.</p> <p>OC7-4 The re-suspension of sediments resulting from the tugs is already occurring in the vicinity of the terminal area from existing ship traffic. The suspension of sediment for 7 to 8 days is not considered to be a long-term exposure to aquatic organisms. The remainder of the comment is noted.</p>
---	---

OC7 - Chesapeake Bay Foundation, Alison Prost and Beth L. McGee, Ph.D., Senior Water Quality Scientist

<p>20080616-5119 FERC PDF (Unofficial) 6/16/2008 5:09:10 PM</p> <p>↑ deberthing operations at the terminal.</p> <p>OC7-5</p> <p>This study showed that the disturbance and subsequent settling of sediment particles in the vicinity of the Sparrows Point terminal would be affected by tidal currents in the waters of the Patapsco River and the entrance to Bear Creek. The disturbed sediments would be in the water column for 7 to 8 days. Again, reflecting the potential for long-term exposure of aquatic animals to both soluble and particle-associated contaminants. In addition, the studies indicated the potential for the redistribution of contaminated sediments from the higher concentrations observed near Sparrows Point to areas that currently have lower concentrations of contaminants.</p> <p>AES intends to follow procedures for dredge performance consistent with recent past dredge approvals for this location, including the recent dredging by Barletta-Willis Inc. We oppose this approach. As noted above, the recent sampling conducted by AES found alarmingly high concentrations of contaminated sediments. Hence, dredging, should it occur, must be done to minimize, to the maximum extent practical, the re-suspension, mobilization, and redistribution of the contaminated sediments. Furthermore, since the boat traffic to the facility will mean the continual and ongoing re-suspension of contaminated sediments, we believe that the project should not be considered in isolation, but rather as part of comprehensive hazardous waste cleanup at Sparrows Point and in the Patapsco River.</p>	<p>OC7-5</p> <p>Measures proposed to minimize impacts to surface water quality are discussed in section 4.3.2.5.</p>
<p>OC7-6</p> <p>Nearly a century of industrial activities at the Sparrows Point Industrial Complex has left behind a legacy of toxic contamination that rivals many Superfund sites. In the late 1990s, the Environmental Protection Agency (EPA) and the Maryland Department of the Environment (MDE), sued BSC for numerous hazardous waste violations. As a result, in 1997 a consent decree was issued that stipulated various cleanup and assessment requirements. One of these requirements was to conduct an ecological assessment of the on and off-site impacts associated with the hazardous waste produced at this facility.</p> <p>Sadly, more than 10 years and several owners later, almost no clean-up of Sparrows Point has occurred. This, despite evidence that the extent of on and off-site contamination represents a risk to human health and the environment. The recent AES sampling confirms this fact. Consequently, we will oppose additional dredging and disturbance in the vicinity of Sparrows Point until the ecological effects of off-site migration of contaminants has been assessed and a comprehensive plan for remediating these sediments, if necessary, has been developed. And, until on-site contamination has been removed or capped so that it may not further contaminate adjacent waters. The development of the LNG facility, should it move forward, must be considered in the context of on and off-site clean-up activities, not in isolation.</p> <p>We appreciate the opportunity to comment on this project.</p> <p>Sincerely,</p> <p>Beth L. McGee, Ph.D. Senior Water Quality Scientist</p>	<p>OC7-6</p> <p>Comments noted.</p>

<p>20080617-5001 FERC PDF (Unofficial) 6/16/2008 11:51:16 PM</p> <p style="text-align: center;">June 16, 2008</p> <p><b>Federal Energy Regulatory Commission</b> 888 First Street, N.E., Room 1A Washington, D.C. 20426</p> <p><b>RE: Draft Environmental Impact Statement Sparrows Point LNG Terminal and Pipeline Project</b> AES Sparrows Point LNG, LLC Docket No. CP07-62-000 Mid-Atlantic Express, L.L.C. Docket Nos. CP07-63-000 CP07-64-000 CP07-65-000 FERC/EIS – 0222D</p> <p>Dear FERC Commission Members and Staff,</p> <p>I am writing to you today on behalf of the members of Stewards of the Lower Susquehanna, Inc. to request that you deny the proposed Sparrow’s Point/AES pipeline application. The draft EIS is incomplete and shows numerous short-comings in understanding and documentation of the effects of disturbing waterways, wetlands, forested habitats, and the threatened Eastern Barrens. Our members do not understand how such an incomplete evaluation of impacts can even be up for consideration, let alone be given a designation of “minimal” or “no” impact. In addition, based on the information provided, it appears that determination and reporting of specific impacts to the environment have been, and will be, left to the for-profit companies involved in the construction and maintenance of the facilities and pipelines. This is unacceptable practice when working in such rare and specialized areas as the Eastern Barrens, or resources already utilized by the public for such important uses as drinking water supplies. Upon review of even the <i>documented</i> impacts to 177 waterbodies, acres of wetlands, and numerous sites of agricultural and historic significance, we must ask that you follow the will of the current good stewards of these resources and deny this application.</p> <p>Stewards of the Lower Susquehanna, Inc. (SOLS) is a non-profit environmental advocacy organization based in York, PA. SOLS’ mission is the preservation and improvement of the ecological and aesthetic qualities of the lower Susquehanna River watershed and Chesapeake Bay. Established in 2005, SOLS has more than 100 members dedicated solely to protecting and restoring the Susquehanna River Basin. SOLS’ primary geographic focus begins at the Susquehanna River’s confluence with the West Branch at Sunbury Pennsylvania and continues downstream to the Chesapeake Bay at Havre de Grace Maryland, encompassing more than 140 miles of the Susquehanna River</p>	<p>OC8-1      Comment noted. Please see response to comment FA5-1.</p> <p>OC8-2      Impacts associated with the Project, as proposed, have been analyzed by FERC staff and addressed in the FEIS.</p>
---	--

OC8 - Stewards of the Lower Susquehanna, Inc., Michael R. Helfrich, Lower Susquehanna Riverkeeper

20080617-5001 FERC PDF (Unofficial) 6/16/2008 11:51:16 PM

OC8-3

and 9,200 square miles of watershed. SOLS' members use the wild areas of the Susquehanna watershed for fishing, hunting, boating, and for its scenic and historic value. Dozens of SOLS' members live, work and recreate in Harford, Cecil, and Lancaster Counties. As such, we understand the importance of this FERC approval that could alter our homes, lands, and waterways for generations to come. Again, please follow the will of the people of this region, not the interests of an outside corporation.

From the Mighty Susquehanna, Michael R Helfrich  
Lower Susquehanna Riverkeeper

Stewards of the Lower Susquehanna, Inc.  
324 W Market St  
York, PA 17401-1010  
717.779.7915  
[LowSusRiver@hotmail.com](mailto:LowSusRiver@hotmail.com)  
[www.LowerSusquehannaRiverkeeper.org](http://www.LowerSusquehannaRiverkeeper.org)

OC8-3

Comment noted.

OC9 – Turner Station Development Corporation, Dunbar Brooks, Chairman

<p>20080617-5007 FERC PDF (Unofficial) 6/16/2008 5:45:23 PM</p> <p>June 16, 2008</p> <p>Kimberly D. Bose Federal Energy Regulatory Commission 888 First Street, N.E., Room 1A Washington, DC 20426</p> <p>Reference: Docket No. CP07-62 and CP07-63</p> <p>Dear Ms. Bose:</p> <p>I am writing to you to communicate the Turner Station Development Corporation's and Turner Station Community Conservation Teams' continuing opposition to the placement of the AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC LNG facility and pipeline at Sparrows Point. Turner Station is the closest residential community to the proposed LNG facility and its associated LNG tanker traffic. We are the residential community that would be most impacted by catastrophic incidents associated with the facility and its cargo. We have voiced our continuing opposition since 2006 at the June 4<sup>th</sup> hearing in Dundalk and we submitted opposition testimony in 2007.</p> <p>We have carefully reviewed the Draft Environmental Impact Statement (DEIS) on this facility and we vehemently disagree with its conclusions. It appears to us that by providing over 150 recommendations, FERC has compromised its objectivity and has acted as an unsolicited technical consultant to a company that has submitted a wholly inadequate project plan. We question the legal role of FERC to "coach" the applicant in the design of this project. We further question how FERC can conduct the EIS and then evaluate their own findings. It would appear that this would constitute a conflict or at least the appearance of a conflict of interest.</p> <p>A review of specific sections of DEIS give us pause to question the accuracy of FERC's determinations and the validity of almost any of their subsequent recommendations. We find that FERC researchers have mischaracterized the Turner Station community in the Environment Justice section of Section 4 (page 4-187). The DEIS makes the absurd finding that Turner Station has a greater median household income value than both Baltimore County and the State of Maryland. This is because FERC researchers compared the Turner Station 2000 Census median household income to the per capita income of Baltimore County and the State of Maryland. The 2000 per capita income of Turner Station was \$13, 215 or \$13,000 below the Baltimore County per capita income, which would place Turner Station in the lowest income quartile in the nation. Anyone who had ever taken the time to thoughtfully study our community would know that. Your misinformation on Turner Station is repeated in Appendix L in the FERC response to the State of Maryland.</p> <p>The lack of attention by FERC researchers to correctly compile and analyze very basic census information casts a pall over your determination of the environmental justice issues that affect the Turner Station community. The obvious errors and erroneous</p>	<p>OC9-1      Please see response to comments FA5-1 and FA5-2. The FEIS, and the analysis and conditions contained therein have been prepared without prejudice and in strict accordance with NEPA and NGA regulations. Identifying and recommending specific mitigation measures, as necessary, to minimize environmental impacts is an integral part of the FEIS.</p> <p>OC9-2      Please see response to comment OC9-1.</p> <p>OC9-3      Thank you for the additional information. The errors noted in this comment have been corrected in the FEIS.</p>
--	---

OC9 – Turner Station Development Corporation, Dunbar Brooks, Chairman

<p>20080617-5007 FERC PDF (Unofficial) 6/16/2008 5:45:23 PM</p> <p style="text-align: center;">2</p> <p>OC9-4   conclusions based on those errors demand that FERC and other agencies take a second look at the environmental justice issues that we raised in our original June 2006 pre-filing opposition letter. It has never been our contention that the proposed AES facility by itself triggered an environmental justice concern. It is the addition of this LNG storage facility including the proposed dredge recycling facility that adds to the detrimental cumulative impact of all of the industry that surrounds Turner Station. To remind the commission, Turner Station is surrounded by the Dundalk Marine Terminal which is leaching hexavalent chromium into the Patapsco River and this same toxin has been found in the community gardens in Turner Station. Across the street (Broening Highway/FSK Bridge Access Road) sits the Constellation Energy Riverside Power Plant (coal-burning). Also sitting across the street from Turner Station is a now defunct Synthetic Natural Gas Plant. Next to the now defunct SNG plant sits a brownfield where World War II ordinance and munitions are buried. Turner Station lies within close proximity to the air shed where two Constellation Energy Power Plants (Wagner Point and Brandon Shores) were cited with over 12,000 air quality violations between 2003 and 2006. Then we have to our south the Sparrows Point peninsula industrial site which is home to 17 other industrial sites in addition the proposed LNG facility. By the way, the Baltimore region is a severe non-attainment area for air quality.</p> <p>OC9-5   We cannot offer evidence of excessive morbidity or mortality of our residents for the past 50 to 100 years because no government agency has ever cared enough to conduct medical research or health studies to document what our citizens have experienced. We believe that our community and what it has endured is a “poster child” for the application of environmental justice remediation. It is our contention that you paid little or no attention to the environmental justice issues we raised resulting in FERC having a dismissive attitude on effectively evaluating our claims. The faulty data analysis simply exacerbates the neglect.</p> <p>OC9-6   We were stunned by the additional information that the DEIS provided on the distances that thermal radiation and vapor cloud dispersion could travel based on new information and studies that you provide. This additional information on distances eclipses by over ½ to a whole mile those distances that we cited from Sandia National Laboratories reports. The practical effect is that given these distances of up to 2.2 miles, the entire community of Turner Station and Watersedge could be engulfed. We further read that based on the Waterway Suitability Assessment Report we (Turner Station) are included in Exclusion Zones 2 and 3 which could cause serious injury in the event of a catastrophic event(s).</p> <p>OC9-7   With this new information that <u>you presented</u> we were absolutely flabbergasted and offended that you dismiss this new information with the cavalier assertion that “terrorist attacks are unpredictable” and somehow these less than adequate procedures submitted by AES if implemented at all and if implemented correctly, will make significant impacts to our community from a terrorist attack <b>unlikely</b>. We view that statement as callous and preposterous on its face. Your final sentence in the last full paragraph on page 2-259 communicates clearly that the need for future natural gas pipeline infrastructure trumps the threat of “any such unpredictable acts.” We understand that you mean that gas pipelines trump human safety.</p>	<p>OC9-4   Section 4.9.7 addresses Environmental Justice issues and has been revised to reflect additional data. Section 4.13 addresses cumulative impacts.</p> <p>OC9-5   Comment noted. The identified errors have been corrected.</p> <p>OC9-6   As discussed in section 4.12.5.3, the Coast Guard used criteria developed by Sandia to define the outer limits of the hazard zones to assess the potential risks associated with an LNG vessel. The zones in the Sandia Report should not be misconstrued as impact areas, but rather are used to identify the level of security measures needed to protect the public and infrastructure.</p> <p>OC9-7   We believe the security measures required by the Coast Guard during transit of LNG vessels would be sufficient to safeguard the vessels and mitigate the risks to the security of the LNG terminal and LNG vessels.</p> <p>Public safety issues related to the LNG terminal were considered during both the engineering review done by FERC staff and the U.S. Coast Guard's waterway suitability assessment process. The results of these reviews are provided in section 4.12. Section 5.2 of the FEIS provides over 50 recommendations to ensure that the LNG terminal would be constructed and operated in a manner that does not impact public safety.</p>
---	---

OC9 – Turner Station Development Corporation, Dunbar Brooks, Chairman

<p>20080617-5007 FERC PDF (Unofficial) 6/16/2008 5:45:23 PM</p> <p style="text-align: center;">3</p> <p>OC9-8   Our further concerns involve the implementation of the Waterway Suitability Report as developed by the Coast Guard. On page 2-254 and 2-255, the Coast Guard makes 18 specific recommendations for the managing the risks of LNG marine traffic. These recommendations require massive coordination of federal, state and local first responders and emergency management personnel. It requires extraordinary funding above and beyond current levels. Although FERC recommends a cost sharing plan between AES and appropriate agencies, the magnitude of state and local funds that will be needed is likely to eclipse any agreement that can be made with AES funding. We as taxpayers will have to foot the bill through additional taxes and fees to pay for additional equipment and personnel that will be purchased by affected federal, state and local government in order to adequately staff and support this LNG marine traffic. It would seem to us that this would be a Fifth Amendment issue in which we have our taxes raised to accommodate a federal action for a private client without any compensation.</p> <p>OC9-9   We have grave concerns about the final disposition of the Waterway Suitability Report and its possible implementation. According to the Coast Guard all of their recommendations that would make "the Chesapeake Bay suitable" for LNG marine traffic are predicated on a vessel carrying of a cargo of 148,000 m<sup>3</sup>. However, AES proposes to bring in LNG marine traffic that carries cargo of 217,000 m<sup>3</sup>. The recommendations from the Coast Guard appear fairly "iron clad" and they have based their calculations and drawn conclusions on a much smaller payload. If AES intends to ship that same amount of product so that the project remains economically feasible, then AES will have to bring additional LNG ships through the Chesapeake Bay. This will increase LNG marine traffic by a least an additional ship per week bringing the traffic to 4 or more ships per week. This would wreak havoc with overall marine traffic in the bay.</p> <p>OC9-10   If AES is allowed by the Coast Guard to bring in the additional cargo beyond what has been contemplated in the Waterway Suitability Analysis, then there will be even larger ship traffic in the bay. The size of the LNG ships will need to increase either in length or height. These larger vessels will force a recalculation of all of the original Coast Guard evaluations. It will most likely enlarge all of the exclusion zones (1, 2 and 3) and place more people and property at risk. It will likely increase the resources needed by first responders to address an even larger catastrophic event. We demand that some entity develop and disseminate the additional costs that would be necessary to accommodate the AES proposal beyond the original Waterway Suitability Analysis.</p> <p>OC9-11   Since FERC researchers dismissed the real estate issues that are affected by the presence of the plant and our continuing assertion that this is an environmental justice issue, we suggest that FERC researchers begin to review internet traffic that characterizes Turner Station is as "the most polluted neighborhood in America." Due to the negative publicity surrounding this proposed facility, there are organizations and individuals recommending the sale of the entire neighborhood and to have our entire residential community treated as a "Brownfield's". It is for just this kind of government policy indifference and corporate neglect that the presidential environmental justice executive order was crafted</p>	<p>OC9-8   As discussed in section 4.12.6, AES would be required to provide a Cost Sharing Plan which would identify the mechanisms for funding all project-related security/emergency management costs that would be imposed on state and local agencies. Any Coast Guard assets required to implement the risk management measures would be funded by the Coast Guard. In comments to the DEIS, AES has stated that they would make the appropriate arrangements to pay for additional resources needed to satisfy the Coast Guard's recommendations for LNG ship transits associated with the Project.</p> <p>OC9-9   The maximum frequency of ship arrivals is more dependent on facility throughput than vessel payload. As stated in the Sparrows Point Letter of Intent to the Coast Guard, the proposed Project would expect to receive an average of three LNG vessels per week, or one LNG vessel every two to three days. Impacts associated with this frequency, which is valid for the entire range of ship sizes (127,500- to 217,000-m3) described by the applicant, have been described in the FEIS.</p> <p>OC9-10   As described in the WSR (see appendix J), AES must complete a site-specific risk analysis for larger ships with approval from the COTP prior to receiving LNG vessels larger than 148,000 m3. If the COTP determines that additional resources are required beyond the original requirements in the WSR, AES would be required to comply.</p>
---	--

OC9 – Turner Station Development Corporation, Dunbar Brooks, Chairman

<p>20080617-5007 FERC PDF (Unofficial) 6/16/2008 5:45:23 PM</p> <p style="text-align: center;">4</p> <p>to stop. In the current national downturn in general housing prices, we now have an environmental justice issue that depresses our housing values even more.</p> <p>We are particularly disturbed with the lack of specificity in the FERC recommendations on Emergency Response and Evacuation Planning on pages 4-256 and 4-257. The recommendation is minimal in nature. Further, we demand that such a plan be filed with the Secretary for review and approval <b>before granting the permit</b>, not prior to site preparation as you suggest. In essence, you are telling our community that emergency preparedness is secondary to getting this project done. We demand that you force AES to comply with stronger emergency preparedness and evacuation measures. We suggest that you compel AES to comply with those measures associated with the U.S. Nuclear Regulatory Commission Emergency Preparedness at Nuclear Power Plant regulations. That should include Emergency Planning Zones, Notification of Unusual Events, Alerts, Site Area Emergency Measures, General Emergency Measures, Protective Actions, Evacuation and Sheltering.</p> <p>We have our continuing concerns on the AES plans for dredging, the impact of the pipeline activity, and the overall environmental impact on the Chesapeake Bay and its tributaries. We laid out our concerns on these topics in our June 2006 pre-filing opposition letter on behalf of Turner Station. Others from the Dundalk LNG Opposition Team have offered compelling testimony. Our elected officials at the federal, state and local level are unanimously opposed to this project. We reiterate our continuing opposition to this project and the conclusions drawn in the Draft Environmental Impact Statement.</p> <p>Dunbar Brooks, Chairman Turner Station Development Corporation</p>	<p>OC9-11 Section 4.9.5 addresses property values. Section 4.13.8 addresses cumulative impacts associated with hazardous materials.</p> <p>OC9-12 In accordance with the Energy Policy Act of 2005, AES would be required to develop an Emergency Response Plan in consultation with the Coast Guard and state and local agencies. Details of the minimum requirements that the plan would include are discussed in section 4.12.6. AES would be required to complete this plan for approval by FERC prior to authorization to construct the proposed facility.</p> <p>OC9-13 Please see response to comment OC9-12.</p>
---	--

OC9-12

OC9-13

THE HANKIN GROUP

June 16, 2008

**E-FILED**

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Room 1A  
Washington, DC 20426

**Re: AES Sparrows Point LNG, L.L.C.;**  
**Docket Nos. CP07-62; CP07-63; CP07-64; CP07-65**

Dear Ms. Bose:

As you know from our prior correspondence, I am the Executive Vice-President of The Hankin Group (“Hankin”). Hankin and its related entities are the developer of a mixed-use (residential, commercial and industrial) community called Eagleview, which is located on approximately 800 acres in Uwchlan and Upper Uwchlan Townships, Chester County, Pennsylvania.

We have reviewed the Draft Environmental Impact Statement (“DEIS”) for the Sparrows Point LNG Terminal and Pipeline Project, including pages 3-63 through 3-66, which propose certain route variations from the Upper Uwchlan Township and Hunters Ridge area to avoid residential impact (“Proposed Reroutes”). FERC commented in the DEIS that it believes a variation is necessary in this area because of, among other things, the number of residences impacted by AES’s preferred route.

In its prior correspondence and its Motion to Intervene Out of Time, Hankin set forth its position with respect to the greater environmental and economic impact of the Proposed Reroutes. Due to FERC’s comment in the DEIS about the residential impact of AES’s preferred route, however, it also is necessary for us to comment on the Proposed Reroutes’ impact on the residential properties bordering Eagleview. Certain portions of the Proposed Reroutes run directly along the shared property line between Eagleview and its many neighboring residential properties.

Depending upon which of the Proposed Reroutes is examined, up to 25 residences will experience a comparable level of inconvenience and damage as the residences along AES’s preferred route. The common property line between Eagleview and the adjoining residences is heavily planted with mature trees and landscape buffering, virtually all of which will be eliminated if AES is ordered to follow a Proposed Reroute. Accounting for all factors, including

707 Eagleview Boulevard • P.O. Box 562 • Exton, PA 19341 • 610.458.1900 • Fax: 610.458.0764

OC10-1

OC10-1

Pipeline alternatives are discussed in section 3.3. Specifically, route variations are addressed in section 3.3.3.

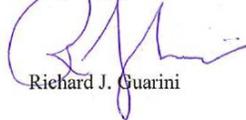
↑ environmental, economic, *and residential*, we believe that the Proposed Reroutes will have a similar, if not greater impact than AES's preferred route.

On behalf of itself and the residences adjoining Eagleview, Hankin objects to the Proposed Reroutes, and respectfully requests that FERC adopt AES's preferred route.

Please feel free to contact me should you have any questions or wish to speak with me regarding Hankin's position on this matter.

Thank you.

Very truly yours,



Richard J. Guarini

cc: Kent Morton, AES (*via e-mail*)  
John Roughan, Upper Uwchlan Township Manager (*via e-mail*)  
David Leh, P.E., Upper Uwchlan Township Engineer (*via e-mail*)

20080617-5176 FERC PDF (Unofficial) 06/18/2008



BRANDYWINE CONSERVANCY  
P.O. BOX 141 CHADDS FORD PENNSYLVANIA 19317 • 610/388-2700 • FAX 610/388-1197

June 16, 2008

Ms. Kimberly D. Bose  
Federal Energy Regulatory Commission  
888 First Street, N.W., Room 1A  
Washington, D.C. 20426  
Attn: Gas Branch 2 [1 copy]

Re: Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, and CP07-65-000

Dear Ms. Bose:

The Brandywine Conservancy (the Conservancy) received a CD-ROM version of the U.S. Federal Energy Regulatory Commission (FERC) Draft Environmental Impact Statement (EIS) for a liquefied natural gas (LNG) import terminal expansion and natural gas pipeline facilities proposes by AES Sparrows Point LNG, LLC and Mid-Atlantic Express, L.L.C. (collectively AES) in the above-referenced dockets, which was mailed to us in late April, 2008.

On June 11, John Goodall, the Conservancy’s Western Area Manger presented testimony at the FERC public meeting /U. S. Army Corps of Engineers (COE) public hearing at in Downingtown, PA.

The Brandywine Conservancy (the “Conservancy”) opposes the proposed Sparrows Point LNG Terminal and the Mid-Atlantic Pipeline. This letter will supplement the Conservancy’s June 11 testimony.

This statement will include the Conservancy’s environmental concerns from an overall perspective. It will also address specific environmental impacts to Conservancy-held easements and natural resources in the Brandywine Creek watershed.

Projected Land Disturbance on Conservancy Easements

Mid-Atlantic Express proposes to construct approximately 87.6 miles of pipeline through Maryland and Pennsylvania. Roughly seven (7) linear miles or approximately eight (8) percent of the proposed pipeline would transect 2,500 acres of property protected by conservation

BRANDYWINE RIVER MUSEUM • ENVIRONMENTAL MANAGEMENT CENTER

OC11-1

OC11-1

Issues associated with conservation easements are addressed in section 4.8.1.3.

	<p>20080617-5176 FERC PDF (Unofficial) 06/18/2008</p> <p>Brandywine Conservancy Comments to draft EIS AES Sparrows Point LNG/MidAtlantic Pipeline</p> <p>June 16, 2008 Page 2</p> <p>OC11-2 easements granted by individual landowners to the Brandywine Conservancy. Of the approximately 40 miles of pipeline proposed to run through Pennsylvania, 17.5 percent would cross lands protected by the Conservancy. These protected lands are contiguous to over 20,000 additional acres of Conservancy easements. The purpose of these easements is to permanently protect the agricultural, natural and scenic resources of these lands. The landowners have given up value in order to ensure that these lands and their natural resources are permanently protected, and in most cases have received a tax deduction for the charitable donation of the easement's value. Local zoning also supports maintaining agricultural use of the land and preserving it in its undeveloped state.</p> <p>OC11-3 The draft EIS states that Mid-Atlantic Express "would consult with...the Brandywine Environmental Management Center to determine if the proposed activities related to construction of the pipeline would need to be reviewed for consistency with the terms of the easements held" (See page 4-159). In accordance with our stewardship duties to ensure the protection of the land in perpetuity, the proposed activities would indeed need to be reviewed for consistency with the easements' purposes. The specific environmental resources that will be affected on the Conservancy's eased lands include agricultural soils, wetlands, streams, groundwater, forests and woodlands, as well as wildlife. Again, the Conservancy does not believe that the impacts would be consistent with the easements. Because of the tax deductions taken and sound policy, equivalent conservation benefits need to be provided post-construction, if the pipeline project is approved.</p> <p>OC11-4 The construction right-of-way for the Mid-Atlantic pipeline is proposed to be 100 feet in agricultural areas and 75 feet in non-agricultural areas. (See Draft EIS Sec. 2.2.2). Accordingly, almost 90 acres of Conservancy-eased land would be impacted directly by the construction of this proposed pipeline, or approximately 5.5 percent of the 1,603.4 acres of total disturbance for construction of the pipeline and aboveground pipeline-related facilities. As stated in the draft EIS and other documents, the proposed new Mid-Atlantic pipeline would parallel the existing Columbia Gas Pipeline right-of-way. Table 2.2.2-2 states that the existing right-of-way is 30 to 50 feet. However, on at least one of the Conservancy's easements that will be affected--the Engle property--the existing gas pipeline easement is (20) twenty feet. Moreover, the proposed Additional Temporary Workspace would impact over two additional acres of forest and many acres of agricultural lands. (See Table C-1, pages C-17-C-18).</p> <p>OC11-5 The proposed additional 30 to 50-foot temporary and permanent right-of way would double or triple, (or in at least one instance, even quintuple) the size of the existing gas pipeline right-of-way. This impact is not consistent with the terms of the easements.</p> <p>OC11-6 We suggest that existing utility corridors should be utilized--the Colombia Gas Pipeline right-of way or the nearby electrical transmission line corridor, as is being done in Maryland, instead of condemning additional land.</p> <p><u>Effects on Protected Resource</u></p>	<p>OC11-2 Section 4.8.1.3 addresses the pipeline crossing of lands under conservation easements, including lands under the Brandywine Conservancy.</p> <p>OC11-3 Impacts to agricultural lands are addressed in section 4.8.1.3.</p> <p>OC11-4 Section 4.8.1.3 addresses the pipeline crossing of lands under conservation easements, including lands under the Brandywine Conservancy. Impacts to specific resources can be found in the following sections: soils in section 4.2, wetlands in section 4.4, streams in section 4.3, groundwater in section 4.3, forests in section 4.5, and wildlife in sections 4.6 and 4.7.</p> <p>OC11-5 Thank you for the information.</p> <p>OC11-6 Thank you for the information.</p> <p>OC11-7 Additional workspace is necessary for construction in some areas.</p> <p>OC11-8 Enlarging pipeline easements does not necessarily adversely impact properties. We agree that expanding rows in forested areas is an adverse impact.</p>
--	--	--

<p>20080617-5176 FERC PDF (Unofficial) 06/18/2008</p> <p>Brandywine Conservancy Comments to draft EIS AES Sparrows Point LNG/MidAtlantic Pipeline</p> <p style="text-align: right;">June 16, 2008 Page 3</p> <p><u>Streams</u></p> <p>OC11-10   At least 13 proposed stream crossings, impacting approximately 1,200 linear feet, would occur on Conservancy-protected lands. Stream crossings will affect at least eight (8) eased properties, some with multiple stream crossings.</p> <p>OC11-11   We believe that FERC and the COE should require study of HDD for all the stream crossings in the Brandywine, Octoraro and Elk Creek watersheds.</p> <p>OC11-12   The Brandywine is the primary source of public drinking water for the City of Wilmington, Delaware. Disturbance to the tributary streams during the large number of stream crossings required during construction of the proposed pipeline could increase sedimentation downstream and have a cumulative negative effect on water quality. It is now well understood that the health of first and second-order streams is critical to the health of waters downstream. Sedimentation has been shown to have a negative effect on the aquatic microorganisms and insects at the base of the food chain.</p> <p>OC11-13   We note that the classification of the waterbodies as listed in Appendix I are not always accurate because they refer only to the state fisheries classification and not the water quality classification. For instance the Big Elk Creek is a High Quality watershed, as is Beaver Run, which been upgraded to High Quality Waters, Wild Trout Stream.</p> <p>OC11-14   If the project is approved, the recommended remediation to restore the slopes of the banks and replant with woody species should be fully implemented; the woody species should be primarily native trees. (See Sparrows Point Project Environmental Construction Plan, (ECP), Page 12).</p> <p>OC11-15   We recommend planning riparian buffers in consultation with The Stroud Water Research Center in Avondale, PA. We support maintaining only a permanent maximum ten-foot herbaceous area as stated in the ECP. A three- year monitoring period is mentioned, which should include the annual removal of invasive species. A five-year monitoring and maintenance period would be preferred.</p> <p>OC11-16   The draft EIS states that Mid-Atlantic will consult with the Brandywine Conservancy regarding the crossing of the Brandywine Creek system (See page 4-159). The report is inconsistent regarding the anticipated number of these crossings, which is certainly greater than four (see page 5-11)--we count, in Appendix I, at least twenty (20). We assume, and would expect to be consulted regarding all of the stream crossings in the Brandywine Creek system, specifically including the approximately 13 stream crossings on Conservancy-eased lands.</p> <p><u>Wetlands</u></p> <p>OC11-18   The proposed pipeline route potentially crosses four or five identified wetlands on Conservancy easements, including wet wooded areas, according to Table 4.4.2-1. Wetlands are vulnerable to pollution and groundwater contamination and the best practice would be to avoid them during</p>	<p>OC11-9   Mid-Atlantic Express's construction and permanent rights-of-way overlap existing rights-of-way for approximately 40 miles in Maryland and 33 miles in Pennsylvania. See table 2.2.2-2.</p> <p>OC11-10   Mitigation of impacts at waterbody crossings is discussed in section 4.3.2.5.</p> <p>OC11-11   Section 4.3.2.5 <i>Pipeline Construction and Operation</i> contains a discussion on streams for which feasibility studies have been completed. For a complete listing of stream crossings see Appendix I, table I.</p> <p>OC11-12   Sedimentation impacts would be short term. Mitigation measures to be implemented at waterbody crossings are discussed in section 4.3.2.5.</p> <p>OC11-13   See revised headings in appendix I. Also see the footnote for 303D list column.</p> <p>OC11-14   Thank you for the information.</p> <p>OC11-15   Comment noted.</p> <p>OC11-16   In section 4.4.4 we recommended that Mid-Atlantic Express revise its Exotic and Invasive Species Control Plan, ARMP and ECP for monitoring the success of all affected wetlands for a period of at least five years.</p> <p>OC11-17   We have added a recommendation to section 4.8.1.2 for Mid-Atlantic Express to consult with the Brandywine Conservancy for Octoraro Creek and all crossings in the Brandywine Creek system.</p>
--	---

<p>20080617-5176 FERC PDF (Unofficial) 06/18/2008</p> <p>Brandywine Conservancy Comments to draft EIS AES Sparrows Point LNG/MidAtlantic Pipeline</p> <p style="text-align: right;">June 16, 2008 Page 4</p> <p>construction. It is of concern that approximately 16.5 miles have not been surveyed, according to the draft EIS, page 4-65.</p> <p>Wetlands are prime bog turtle habitat, an endangered species which should be carefully considered when reviewing the potential environmental impacts of this project. Headwater areas and groundwater seepage along streams are prime habitat areas, including small wetlands that may not be shown on the existing maps. We do not have access to PNDI searches available for the Brandywine watershed. Penn State University recently proposed a Habitat Conservation Plan for bog turtles in the Delaware West drainage area incorporating parts of Chester County, including the Buck and Doe Runs and Broad Run. The report identified existing bog turtle sites and identified bog turtle recovery areas. This should also be considered in reviewing this project. We note that according to the draft EIS, the applicants' final bog turtle study has not been received by FERC. (See page 4-129). This should be submitted and reviewed by FERC, COE, and relevant state and federal agencies before approval for this project is considered.</p> <p><u>Woodlands</u></p> <p>The proposed pipeline route would affect several stands of larger woodlands on Conservancy easements. Clear-cutting through these forests could have a long-term negative effect on the forest ecology. See draft EIS, page 4-75. Forests provide numerous ecological functions. They host a diversity of plant species, provide habitat for insects, birds and terrestrial animals, absorb stormwater and sequester carbon dioxide. This area of Chester County has been designated an Audobon Important Bird Area, a selective and highly-regarded designation. A large gap in the recommended remediation plan is that no replanting of trees is required except possibly for riparian buffers. Woodland trees cleared for construction should be replanted except for the minimum width necessary to maintain the pipeline--perhaps twenty feet. Except for this limited area, the remainder of the cleared construction right-of way should be replaced with native trees in accordance with a reforestation plan including a species list, protection from deer, size, quantities, and spacing, of trees, and a five-year maintenance program.</p> <p><u>Comments to the Alternatives Analysis</u></p> <p>It is our understanding that the Columbia Gas Pipeline is not being utilized to capacity. We believe that it should be utilized at near capacity before FERC approves another pipeline project, especially one with such potentially severe environmental effects to the Chesapeake Bay and the watersheds that drain into it. The Brandywine Conservancy has worked with landowners in these watersheds to promote best management practices, including the installation of riparian buffers, to assist in improving the water quality of the Chesapeake Bay. The federal government has created several programs, including CREP and CRP, which fund such restoration. This project would potentially counteract the positive effects of these programs and efforts.</p> <p><u>Conclusion</u></p>	<p>OC11-18 The PDEP and COE would review these impacts and have the authority to require mitigation for unavoidable impacts that would be consistent with the CEQ Regulations for Implementing the Procedural Provisions of the NEPA, as described in section 4.4.1. Regarding the 16.57 miles of wetland areas to be ground-truthed, Mid-Atlantic Express is actively working towards obtaining property access agreements to examine these wetlands, which would also be subsequently examined by the PDEP and COE.</p> <p>OC11-19 As noted in section 4.7., Mid-Atlantic Express may not proceed until FERC staff has completed any necessary consultations, including those regarding the bog turtle, with FWS. Mid-Atlantic Express is coordinating closely with FWS, MDNR, and PFBC in its bog turtle survey and mitigation efforts. See section 4.7.1. for details. We have also recommended route variations to avoid known bog turtle habitat. See section 3.3.3.</p> <p>OC11-20 See section 4.5 for impacts to vegetation and forested areas, 4.6.1 for impacts terrestrial wildlife and 4.7 for impacts to threatened and endangered species. The Serpentine Barrens Important Bird Area is discussed in sections 4.6.1.1 and 4.6.1.3. We have recommended that Mid-Atlantic Express consult with PGC regarding mitigation measures to the Important Bird Area.</p> <p>OC11-21 Section 3.3.1 addresses pipeline system alternatives.</p> <p>OC11-22 Comment noted.</p>
--	---

20080617-5176 FERC PDF (Unofficial) 06/18/2008

Brandywine Conservancy Comments to draft EIS  
AES Sparrows Point LNG/MidAtlantic Pipeline

June 16, 2008  
Page 5

OC11-23

In general, all studies regarding impacts should be completed before approval is considered.

In sum, the proposed pipeline is inconsistent with the goals of the Conservancy's easements and with our Mission to protect the Brandywine watershed. It is inconsistent with the best land management practices designed to improve the health of the Chesapeake Bay, and ongoing efforts by the federal government, the state of Pennsylvania, the County of Chester, and the work of numerous area nonprofits concerned with water quality, including the Octoraro Watershed Association, the Brandywine Valley Authority (BVA), and the Stroud Water Research Center, to name but a few. It is also inconsistent with the long-term energy security of our country, which simply cannot be based on imported petroleum products. We urge FERC and The COE to deny approval of this proposed project.

Sincerely yours,



Sherri Evans-Stanton  
Director,  
Environmental Management Center

OC11-23

FERC staff's recommendations would ensure that, should the Commission approve the Project, all required studies and analyses would be completed prior to FERC's issuance of approval to proceed with construction.

	<p>20080619-0051 FERC PDF (Unofficial) 06/16/2008</p> <p style="text-align: center;"><b>ORIGINAL</b></p> <p style="text-align: right;"><i>FILED SECRETARY OF THE COMMISSION 2008 JUN 16 P 3:40 FEDERAL ENERGY REGULATORY COMMISSION</i></p> <p><b>The Maryland Maritime Association</b> 1201 Wallace Street Baltimore MD 21230</p> <p>Rupert Denney tel - 410.347.7999 fax - 410.385.8650 rdenney@freestatemarine.com</p> <p>Wednesday, June 11, 2008</p> <p>Kimberly D. Bose Federal Energy Regulatory Commission 888 First Street, N.E., Room 1A Washington, D.C. 20426</p> <p>Re: Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, and CP07- 65-000.</p> <p>Dear Ms Bose:</p> <p>The Maryland Maritime Association (MMA) was established in 1987 and its purpose is to represent the interests of the 'customers' of the Port of Baltimore; the ship owners, ship operators and the ship agents. Almost all the vessels calling in Baltimore and the other two main ports on the Chesapeake Bay, Cove Point &amp; Piney Point, are represented by members of the MMA. We are writing today to express our views on particular aspects of the Draft Environmental Impact Statement related to potential maritime impacts associated with the LNG Terminal at Sparrows Point in Baltimore County proposed by the AES Corporation (Section 4.8.5.2; Page 4-164 solicits public comment on maritime impacts). In this regard, we believe we are in the best position to assess the maritime issues associated with the proposed LNG vessel traffic.</p> <p><u>Firstly, some have made statements that imply that maritime commerce through Baltimore will be adversely affected – The MMA believes this is not correct.</u></p> <p><u>Secondly, we are of the opinion that the development of this facility will precipitate longer-term benefits that will help sustain maritime commerce in an economic and environmentally responsible way.</u></p> <p>The proposed LNG terminal will be situated just off the main entrance channel to the busiest part of the port which is west of the Francis Scott Key Bridge, and the MMA was initially concerned that a loaded LNG tanker maneuvering toward its own berth could temporarily restrict the ingress and egress of other vessels.</p> <p>The MMA entered into discussions with the Association of Maryland Pilots (Pilots) and the United States Coast Guard (USCG) to share their concerns and to seek workable solutions. AES was involved in some, but not all, of those discussions. Note that we continue to correspond with AES on matters of maritime impacts and benefits per the suggestion at Section 5.2; Page 5-30; Recommendation 83.</p>	
OC12-1		OC12-1      Comment noted.
OC12-2		OC12-2      Comment noted.
OC12-3		OC12-3      Comment noted.
OC12-4		OC12-4      Comment noted.

OC12 – The Maryland Maritime Association, Rupert Denney

20080619-0051 FERC PDF (Unofficial) 06/16/2008

- both existing and new - that service vessels calling at Baltimore. This investment makes the port more competitive and that in turn stimulates new maritime business.

OC12-5

- **Infrastructure** - Due to the nature of the cargo being carried, AES and the LNG tanker owners will require powerful tugs with fire fighting capability to be continually available to attend to their vessels for both security escort and assisting in docking/undocking. This sort of equipment is currently not available in Baltimore and will be a major asset to all the port's users as it will be available to other ship owners and operators when its not being used to assist the LNG tankers.

OC12-5

Comment noted.

OC12-6

- **Dredging** - AES has stated its intention to develop a recycling program for the material that will need to be dredged from the Patapsco River to create the access channel and turning basin that will accommodate LNG vessels at the proposed terminal. With respect to managing dredged material, the private sector view is that any viable option - in addition to placement in traditional containment facilities - is essential to a successful long-term dredged material management program for the Port of Baltimore. Given the generally higher costs of initiating a dredged material recycling project, we see the AES proposal as an important opportunity to accelerate the introduction of recycling into the Port's dredged material management program for the long-term benefit of all stakeholders in Maryland's Seaport.

OC12-6

Comment noted.

OC12-7

- **The 'Energy Port'** - Maritime commerce in Maryland already plays an important role in meeting the region's energy needs. The addition of another LNG import terminal will bolster Maryland's importance as an energy port, feeding one of the most populous and influential regions in the whole country. This in itself is relevant as Maryland competes with other U.S. Seaports for its share of the diminishing U.S. Army Corps of Engineers civil works budget for construction of new dredged material management facilities, navigational improvement projects, and the ongoing and vital maintenance dredging of existing deep draft navigational channels serving the Port of Baltimore. We believe that serving an important national interest such as domestic energy supply should greatly elevate the priority level attributed by the Corps to Maryland when it comes to making disbursement recommendations to Congress regarding federal funding to pay for dredging.

OC12-7

Comment noted.

In conclusion, the MMA takes the view that the proposed LNG terminal at Sparrows Point will not be an impediment to the operation of vessels currently using the Port of Baltimore; rather it would be a benefit to the port and the maritime industry in Maryland. Our members share in the belief that safety and security of the surrounding communities and the waterway users, through the conditions established by FERC and the Coast Guard, are paramount. Many of the people who work in the Port industry as our employees and colleagues reside in these same communities. Safety, security, and environmental protection are in everyone's interest.

Sincerely



Rupert Denney  
For The Maryland Maritime Association

OC13 – Girl Scouts of Central Maryland, Patricia A. Dash, Senior Vice President

<p>20080624-0235 FERC PDF (Unofficial) 06/23/2008</p> <div style="text-align: center;">  <p><b>Girl Scouts</b></p> </div> <div style="text-align: center;"> <p>FILED SECRETARY OF THE COMMISSION</p> <p>2008 JUN 23 P 1:21</p> <p>FEDERAL ENERGY REGULATORY COMMISSION</p> </div> <div style="text-align: right; font-size: small;"> <p>Girl Scouts of Central Maryland 4806 Seton Drive Baltimore, MD 21215 3247 T 410-358-9711 or 800-497-2521 F 410 358 9918 www.gscm.org</p> </div> <p>June 16, 2008 Federal Energy Regulatory Commission 888 First Street NE Room 1A Washington, DC 20426</p> <p>Attention: Kimberly D. Bose</p> <p>RE: Docket Numbers: CP07-62-000, CP-07-63-000, CP-07-64-000, and CP-07-65-000</p> <p>Dear Ms. Bose:</p> <p>On June 16, 2008 our CEO, Traci A. Barnett, received a certified letter from AES Sparrows Point LNG and Mid-Atlantic Express, LLC regarding the AES Sparrows Point LNG, LLC proposed project to construct, own and operate a new liquefied natural gas ("LNG") import, storage and regasification terminal at the Sparrows Point Industrial Complex located on the Sparrows Point peninsula in Baltimore, Maryland.</p> <p>On June 16, 2008 I contacted Mr. Christopher Diez, Project Manager, who was listed as the signer of the letter that we received. He explained the status of the proposed project and the stage that AES is in as well as the next steps. Girl Scouts of Central Maryland was not aware of the option to write into your office to express our comments about this project. Mr. Diez indicated he had sent information to our organization last year, but we are not in receipt of it. I located your web site and I am submitting our comments for your consideration.</p> <p>This project is proposed to run through our property, Camp Conowingo in Cecil County, Maryland. The site specific plan is noted as Mile Post 44 80, R/S: Girl Scout – Tract 661. The drawing number noted is AES-900-44.80.</p> <p>We are opposed to the plans presented by AES Sparrows Point for various reasons. however, without proper information the below statements are made based on the findings revealed to me yesterday in conversation with Mr. Diez:</p> <ol style="list-style-type: none"> <li>1. Our goal is to be good stewards in the community and of our land. We seek only opportunities which preserve and protect the environment and foster sound land management principles to protect our natural resources. This project notes temporary and/or long term impacts to geology and soils, water resources and wetlands, vegetation, wildlife and threatened and endangered species, land use, recreation and socioeconomics, cultural resources, and air and noise quality. Potential impacts to: safety and reliability; and coastal zone use were also noted. All of the noted items concern our organization and our ability to preserve our property and its natural</li> </ol> <div style="text-align: center; font-size: x-small;">  </div>	<p>OC13-1      Your comments were received in a timely manner, and have been considered during development of the FEIS.</p> <p>OC13-2      Comment noted.</p> <p>OC13-3      Comment noted.</p>
--	---

OC13 – Girl Scouts of Central Maryland, Patricia A. Dash, Senior Vice President

<p>20080624-0235 FERC PDF (Unofficial) 06/23/2008</p> <p>resources and/or habitat.</p> <p>OC13-4 2. Girl Scouts of Central Maryland owns and operates a 600+ acre camp property for girls adjacent to the Susquehanna River. In addition to the noted concerns above, implementation of this project would appear to have short term and long term impacts on our property usage as well as our ability to deliver environmental and outdoor education programs to girls.</p> <p>OC13-5 3. Girl Scouts of Central Maryland is currently exploring conservation easement opportunities to preserve our green space and this proposed project at Sparrows Point does not fit in to the parameters of a conservation easement.</p> <p>We respectfully request additional time to comment given the fact that we are awaiting information from AES to further understand this project and the impacts on the community at large.</p> <p>Sincerely,</p>  <p>Patricia A. Dash Senior Vice President</p>	<p>OC13-4 Section 4.8.1.2 contains a discussion on impacts to the Girl Scout Camp. The major impact to the Girl Scout Camp would result from implementation of a HDD across the Susquehanna River. A HDD presents the most environmentally sound method of crossing this important and sensitive waterway. We have added a recommendation to section 4.8.1.2 that Mid-Atlantic Express develop a site-specific plan for the Girl Scout camp. In addition, AES has agreed to reduce the width of the permanent easement to 10 feet along the opposite side of the Columbia Gas Transmission shared easement, thus allowing for an additional 15 feet that could be reverted back to Girl Scout use.</p> <p>OC13-5 Comment noted.</p>
--	---

<p>20080627-0119 FERC PDF (Unofficial) 06/23/2008</p> <p style="text-align: center;">ORIGINAL</p> <p>June 9, 2008</p> <p>Magalie R. Salas Secretary, Federal Energy Regulatory Commission 888 First Street, N.E., Room 1A Washington, DC 20426</p> <p>Reference: Docket No. CP07-62 and CP07-63</p> <p>Dear Secretary Salas:</p> <p>I am writing to you to communicate the Turner Station Development Corporation's and Turner Station Community Conservation Teams' continuing opposition to the placement of the AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC LNG facility and pipeline at Sparrows Point. We also concur with comments that will be made by the Dundalk LNG Opposition Team. Turner Station is the closest residential community to the proposed LNG facility and its associated LNG tanker traffic. We are the community that would be most impacted by catastrophic incidents associated with the facility and its cargo. We have voiced our continuing opposition since 2006 at the June 4<sup>th</sup> hearing in Dundalk and we submitted opposition testimony in 2007.</p> <p>We have carefully reviewed the Draft Environmental Impact Statement (DEIS) on this facility and we vehemently disagree with its conclusions. It appears to us that by providing over 150 recommendations, FERC has compromised its objectivity and has acted as an unsolicited technical consultant to a company that has submitted a wholly inadequate project plan. We question the legal role of FERC to "coach" the applicant in the design of this project.</p> <p>A review of specific sections of DEIS give us pause to question the accuracy of FERC's determinations and the validity of almost any of their subsequent recommendations. We find that FERC researchers have mischaracterized the Turner Station community in the Environment Justice section of Section 4 (page 4-187). The EIS makes the absurd finding that Turner Station has a greater median household value than both Baltimore County and the State of Maryland. This is because FERC researchers compared the Turner Station 2000 Census median household income to the per capita income of Baltimore County and the State of Maryland. The 2000 per capita income of Turner Station was \$13,215 or \$13,000 below the Baltimore County per capita income, which would place Turner Station in the lowest income quartile in the nation. Anyone who had every taken time to study our community would know that. Your misinformation on Turner Station is repeated in Appendix L in the FERC response to the State of Maryland. These errors are either deliberately misleading or suggest that a dubious cloud hangs over your assessments in number of areas.</p> <p>We were stunned by the additional information that the DEIS provided on the distances that thermal radiation and vapor cloud dispersion could travel based on new information and studies that you provide. This additional information on distances eclipses by over ½</p>	<p style="text-align: center;">FILED SECRETARY OF THE COMMISSION</p> <p style="text-align: center;">2008 JUN 23 A 10:20 FEDERAL ENERGY REGULATORY COMMISSION</p> <p>OC14-1      Please see response to comment OC9-1.</p> <p>OC14-2      Please see response to comment OC9-3.</p> <p>OC14-3      Please see response to comment OC9-6.</p>
---	---

OC14 – Turner Station Development Corporation, Dunbar Brooks, Chairman

<p>20080627-0119 FERC PDF (Unofficial) 06/23/2008</p>	
<p>2</p>	
<p>OC14-4</p> <p>↑ to a whole mile those distances that we cited from Sandia National Laboratories reports. The practical effect is that given these distances of up to 2.2 miles, the entire community of Turner Station and Watersedge could be engulfed. We further read that based on the Water Suitability Assessment Report we (Turner Station) are included in Exclusion Zones 2 and 3 which could cause serious injury in the event of a catastrophic event(s). With this new information that you presented we were absolutely flabbergasted and offended that you dismiss this new information with the cavalier assertion that “terrorist attacks are unpredictable” and somehow these less than adequate procedures submitted by AES if implemented at all and if implemented correctly, will make significant impacts to our community from a terrorist attack unlikely. That statement is callous and preposterous on its face. Your final sentence in the last full paragraph on page 2-259 communicates clearly that the need for future natural gas pipeline infrastructure trumps the threat of “any such unpredictable acts.” We understand that you mean that gas pipelines trump human safety.</p>	<p>OC14-4</p> <p>Please see response to comments OC9-6 and OC9-7.</p>
<p>OC14-5</p> <p>Our further concerns involve the implementation of the Water Suitability Report as developed by the Coast Guard. On page 2-254 and 2-255, the Coast Guard makes 18 specific recommendations for the managing the risks of LNG marine traffic. These recommendations require massive coordination of federal, state and local first responders and emergency management personnel. It requires extraordinary funding above and beyond current levels. Although FERC recommends a cost sharing plan between AES and appropriate agencies, the magnitude of state and local funds that will be needed is likely to eclipse any agreement that made with AES funding. We as taxpayers will have to foot the bill through additional taxes and fees to pay for additional equipment and personnel that will be purchased by affected federal, state and local government in order to adequately staff and support this LNG marine traffic. It would seem to us that this would be a Fifth Amendment issue in which we have our taxes raised to accommodate a federal action for a private client without any compensation.</p>	<p>OC14-5</p> <p>Please see response to comment OC9-8.</p>
<p>OC14-6</p> <p>Since FERC researches dismissed the real estate issues that are affected by the presence of the plant and our continuing assertion that this is an environmental justice issue, we suggest that FERC researches begin to review internet traffic that characterizes Turner Station is as “the most polluted neighborhood in America.” Due the negative publicity surrounding this proposed facility, there are organizations and individuals recommending the sale of the entire neighborhood and to have the entire residential community treated as a “Brownfield’s”. It is for just this kind of government policy indifference and corporate neglect that the presidential environmental justice executive order was crafted to stop. In the current national downturn in general housing prices, we now have an environmental justice issue that depresses our housing values even more.</p>	<p>OC14-6</p> <p>Please see response to comment OC9-11.</p>
<p>OC14-7</p> <p>We are particular disturbed with the lack of specificity in the FERC recommendations on Emergency Response and Evacuation Planning on pages 4-256 and 4-257. The recommendation is minimal in nature. Further, we demand that such a plan be filed with Secretary for review and approval <u>before granting the permit</u>, not prior to site preparation as you suggest. In essence, you are telling our community that emergency preparedness is secondary to getting this project done.</p>	<p>OC14-7</p> <p>Please see response to comment OC9-12.</p>

OC14 – Turner Station Development Corporation, Dunbar Brooks, Chairman

20080627-0119 FERC PDF (Unofficial) 06/23/2008

3

OC14-8

We demand that you force AES to comply with stronger emergency preparedness and evacuation measures. We suggest that you compel AES to comply with those measures associated with the U.S. NRC Emergency Preparedness at Nuclear Power Plant regulations. That should include Emergency Planning Zones, Notification Unusual Events, Alerts, Site Area Emergency Measures, General Emergency Measures, Protective Actions, Evacuation and Sheltering.

OC14-8

Please see response to comment OC9-12.

OC14-9

We could comment on other issues at this hearing. We have our continuing concerns on the AES plans for dredging, the impact of the pipeline activity, and the overall environmental impact on the Chesapeake Bay and its tributaries. Others from the Dundalk LNG Opposition Team will offer compelling testimony. Our elected officials at the federal, state and local level are unanimously opposed to this project. We reiterate our continuing opposition to this project and the conclusions drawn in the Draft Environmental Impact Statement.

OC14-9

Please see response to comments IN25-1 and SE1-14. Potential impacts to surface waters are addressed in detail in section 4.3.2.

Dunbar Brooks, Chairman  
Turner Station Development Corporation